

**The neoliberalization of street vending policy in Lima, Peru: the politics of citizenship, property and public space in the production of a new urban marginality**

by

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A thesis  
submitted in partial fulfilment  
of the requirements for the degree

Master of Arts  
MA Program in Geography

BROCK UNIVERSITY  
St. Catharines, Ontario

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### **Abstract**

Neoliberalism is having a significant and global impact on political, social and economic life across spaces. This work illustrates how neoliberalism is attempting to change the ways in which the urban poor – particularly those that participate in street vending – use urban spaces in Lima, Perú. Using municipal policies, newspaper articles and local academic texts I argue that there is a changing marginality in Lima that is being experienced by street vendors, and currently in *los conos* of Lima. In particular, I discuss formalization, a neoliberal strategy in street vending policy, which is used with eradication and social assistance strategies in attempts to re-regulate street vendors.

## Acknowledgements

This work was started and finished under such different circumstances, and it continued through some very difficult moments. It would not be what it is without the following people.

First, I want to thank Dr. Ebru Ustundag for her supervisory role. The course work experience with you provided me with the basis for a large part of my analysis. Beyond the intellectual development of this thesis, your patience and support has been crucial in having this thesis come to defense. Thank you for being so patient with the development of this work and thank you for the intellectual and personal conversations throughout the past two years. At the end of this thesis I smiled a lot more.

Thank you, Dr. David Butz, as well for your patience, but also for your clear guidance and feedback that has been so instrumental in giving form to this work. This work took some crucial and progressive turns after meetings with you.

Thank you, Dr. Felipe Ruan, for your involvement in the linguistic interpretations of this thesis. Your support was reassuring and your advice aided me in the messy and wonderfully subjective art of translation. I enjoyed the conversations and the outcomes. On that note, any issues with interpretations are the fault of the author.

Drs. Michael Ripmeester, Kate Swanson, and Dan Madar, thank you for being a part of the thesis defense. I appreciated your questions and comments, which were diverse and engaging.

Thank you to my graduate student colleagues from all cohorts for intellectually stimulating conversations, and for your humour and personal connections. Mert, Jesse, Rafael, and Rodrigo especially, thank you for being friends.

Mom and Dad, I appreciate your support, which has come in so many ways. Thank you for everything that you have done during the past three years *especially*, but thank you for raising me to be a critical and socially-conscious person. Dad, you are the first Geographer I knew, who explained everything historical and social about any place we would go. That part of you is a part of me.

As this thesis has progressed, my spoken and written Spanish have not. I learned the language through error, and it is that broken and erroneous Spanish that Clotilde, Alejandro, Marina, and the rest of the family remember. Gracias a ustedes, a toda la familia, por los momentos que hemos compartido, que han sido una gran fuente de inspiración para esta obra. Clotilde y Alejandro, me han enseñado un amor de familia que no podía imaginar ser posible. Extraño a ustedes mucho, y solo espero que algún día volver a verlos. Todavía salen las lágrimas al recordar de todo lo que hemos vivido, Marina. Tú fuiste muy importante en este trabajo, y tus pensamientos están dentro de este. Más, tú fuiste muy importante en el desarrollo de mi ser. Al terminar la tesis y la maestría termina otro capítulo de nuestras vidas. Espero algún día verte con tu título.

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*cuidado que viene la municipalidad y que te quitan tu  
 merca  
 ayayayayay que triste es vivir  
 ayayayayay que triste es soñar  
 ambulante soy proletario soy  
 ambulante soy proletario soy  
 vendiendo zapatos  
 vendiendo comida  
 vendiendo casacas  
 mantengo mi hogar  
 ambulante soy proletario soy  
 ambulante soy proletario soy*

watch out the municipality is coming and they will take  
 your merchandise  
 it is so sad to live  
 it is so sad to dream  
 i'm a street vendor, i'm a proletariat  
 i'm a street vendor, i'm a proletariat  
 selling shoes  
 selling food  
 selling jackets  
 i keep my family afloat  
 i'm a street vendor, i'm a proletariat  
 i'm a street vendor, i'm a proletariat

-*Ambulante Soy* by Los Shapis, 1980s<sup>1</sup>

The ideal solution would be to... increase the vendors' entrepreneurial energies and to allow them, within the competitive process in which they are immersed, to use their talents to the full and serve the community more effectively. (de Soto, 1989, p. 92)

Th[e] pedagogicalization of vendors' citizenship [through formalization] denies structural inequalities by framing them as questions of culture that can be eradicated through education, while contributing to the stability of current political and economic models... informality is a product of the formal market, and poverty is an inherent outcome of capitalism; these are thus structural problems that cannot be overcome by educating individuals or groups to surpass their cultural limitations. (Hunt, 2009, p. 347-8)

## **Chapter 1 - Introduction**

### **1.1 Introduction**

Discourses on street vending in Lima, Perú have changed dramatically since the 1980s. The notion of street vendors in the 1980s as the heroes of the masses (Chion and Ludeña Urquiza, 2005) who work to maintain their families has been challenged along with the legitimacy of appropriating public space for subsistence activities. Street vending policies and broader social relations have challenged the identity of street vendors as a working class with a "Right to Work" in public spaces. Rather, vendors are now framed as entrepreneurs with a "Right to Property" in order to compete in the market. The pervasiveness of neoliberalism as both logic

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<sup>1</sup> No known reference. Los Shapis are a *chicha* music group that started in the 1980s. All of their works are bootlegged, pirated, sold by street vendors and in commercial centres throughout Perú.

and practice has been the impulse of this change. de Soto's neoliberal advocacy (both formally and informally), best illustrated in his book *The Other Path*, along with the arrival of neoliberal policy changes in Perú during the late 1980s and early 1990s, are strong indicators of a movement to redefine street vendors as entrepreneurs. Street vendors have become subjectivized as entrepreneurs, who must formalize their practices and enter marketplaces or commercial centres in private properties as businesses.

In the neoliberal era, vending practices that are primarily conducive to competitive market conditions, the right to property ownership and capital accumulation replace practices of appropriating public spaces for representation, visibility and social reproduction. These changes result in a significant reduction in – and sometimes a complete eradication of – street vendor populations, who either appropriate public spaces or use formerly government-regulated areas to exercise the “Right to Work”. Neoliberalism as a logic and practice demands street vendors be responsible for their poverty and their “choice” to appropriate public spaces: they must follow the rule of law and engage in the property market, meet stringent criteria to receive conditional authorization to work in public space, or pay the consequences of appropriating public spaces.

The precarity of many street vendors is exacerbated by a combination of eradication and formalization strategies. Marginality produced by eradication policies is not new (see de Soto, 1989; Hays-Mitchell, 1994). Marginalization emerging for street vendors who may or may not comply with formalization is, however, recent. Formalization has in part produced this new marginality by differentiating street vendors into complying and non-complying groups based on the ability to initiate the formalization process, with state assistance provided to only a small group of vendors deemed qualified by the municipality. Non-complying vendors are subjected to long-standing municipal practices of eradication and delegitimized for their so-called “choice”

(under neoliberal rationality) to avoid formalization. Complying street vendors are subjected to market forces, and their informal status is not resolved but rather made more uncertain and even exacerbated by the impoverishment caused by a neoliberal free-market system. In these cases, vendors that cannot complete formalization and access to private property are also deemed responsible (again, under neoliberal rationality) for their poverty.

In this thesis I discuss the problems created for street vendors by formalization policies through examining municipal policies on street vending, as well as documents from district municipalities and local media, all from Lima, Perú. I argue that neoliberalism is changing the face of marginality in Lima, and especially in *los conos* of Lima. I show that informality is an important part of marginality as it unfolds in street vending. By examining the regulation of street vendors in Lima I develop the argument that neoliberal logics and practices operate at two different scales in producing this marginality: the citizen and public space. At the scale of the citizen neoliberal discourse produces exclusions through the reassertion of right to property, and through governing, compliance and production of norms, which can be described as the confluence of the colonial present with neoliberalism. At the scale of public space street vendors become perceived as a problem that must be removed. Neoliberal urbanization creates conditions for public space to be used for accumulation strategies and therefore assists in the mobilization of strategies to remove street vendors from public spaces, including formalization.

I explore how neoliberalization produces new forms of marginality at these two scales in three chapters. Chapter Three develops the first part of the argument about marginality produced through formalization schemes at the scale of the citizen. I critique neoliberal citizenship for its homogenization, highlighting that through formalization policies street vendors have constraints in how they may be citizens in the city. I highlight how exclusion works through formalization in



ways that disallow participation for those who are not governed as formal citizens - that is those who do not comply with formalization policy. In this chapter I reassert the normative claims to the right to appropriation and participation in space as part of substantive citizenship and ways to belong. In Chapter Four I describe the reorientations of property under the ownership model – a requisite and a norm for neoliberal social organization. I discuss the relationship of property to exclusion by highlighting how property rights under neoliberalism are practiced through dispossession, enclosure and violence. This includes the role of racism in the colonial present which produces violent responses to street vendors by the local state.

In Chapter Five I address how marginality is produced at the scale of public space. In this chapter I argue that neoliberal urbanization tries to resolve the problem of street vendors by prohibiting almost all forms of appropriation of public space, and it does so by using formalization strategies. I review urban renewal as a part of neoliberal urbanization, including the cases of the Historic Centre of Lima (in the district Cercado de Lima), Independencia and San Martín de Porres. These strategies become integral to formalization and sometimes include street vendors into the development plan via purchasing or renting property in the area. Ultimately, however, they operate by relegating vendors out of public spaces. In both cases, I argue, the right to appropriate public spaces is compromised by these growth-first urban renewal projects.

Chapter Two addresses methodology, with an emphasis on the ways the analysis was shaped by my own subjectivity, as well as the particularities and contingencies of my field work. I explain how this thesis is constructed as a montage out of rigorous readings of all relevant literature, the conditions of the field work, my subjectivities, and daily life in Lima during short-term visits between 2005-2009. The goal is to address how all authors are situated, and in

particular, how I am situated as a white Anglo-North American male writing about street vendors in Lima, Perú, and how my experiences in Lima and daily readings of news and blogs from Lima also shape my understanding of the research. The chapter also addresses how I strategized data retrieval in the most effective ways I knew and how those strategies resulted in the data set.

The present introductory chapter outlines the relationship of street vending to informality, explains how informality is part of state regulatory strategies, what neoliberalism and neoliberal urbanization (urbanism) are and why the street vending policies in district municipalities of *los conos* are the preoccupation of this research. In order to do this, I describe the context of street vending in Lima, and discuss the variety of ways the practice is conceived (and represented). I also define a number of key concepts - informality and formalization, neoliberalism and neoliberal urbanism - and their relationship to the transformation of Lima through 20<sup>th</sup> Century urbanization.

I begin by defining neoliberalism and neoliberal urbanism both theoretically and in the context of Lima. I then relate street vending to informality, formalization, and the transformation of Lima. By doing so I provide theoretical context for the research as well as assert the importance of the period following 1996-2009 and the geography of *los conos* of Lima to the literatures of Urban, Economic and Political Geography I use to describe this new marginality in produced in Lima.

## **1.2 Neoliberalism in the Context of Lima**

In this section I briefly describe the terms neoliberalism and neoliberal urbanism. My aim is to establish how neoliberalism and neoliberal urbanism have made important changes in Lima from the period of neoliberal shock in the late 1980s to the present. First, I establish what neoliberalism is as rationality, focusing particularly on its prescription for states and for

individuals. Second, I define neoliberal urbanism as the way in which neoliberalism unfolds in everyday life in urban spaces. I then demonstrate how my research is informed by the recent history of neoliberal urbanism in Lima and the employment of neoliberal logics through the formalization.

Neoliberalism is a renaissance of 19<sup>th</sup> Century liberalism and its tenets of freedom, equality and property (Jessop, 2002). Yet it is more than just the return of 19<sup>th</sup> Century liberalism. It is a response to what is deemed the perversion of the tenets of liberalism and it advocates dismantling centralized state economic and social reproduction (Harvey, 2005; Hackworth, 2007). Further, it claims that market structures such as private property and personal and institutional competition are superior instruments in the distribution of society's resources in comparison to centralized political powers, which are deemed inefficient, unjust or biased in the allocation of resources (Peck, 2001; Harvey, 2005). As neoliberalism problematizes the state as the main distributor of resources, it privileges the role of the state as protector of free exchange and the rule of law (Harvey, 2005; Hackworth, 2007). Ironically, this produces a paradox in the orthodoxy, leading to a stronger and more authoritarian state under neoliberalism (Bates and Krueger, 1993).

Neoliberalism also prescribes the empowerment of the individual based in the rules of the market generalized throughout society. Ostensibly the individual will encounter political freedom and satisfaction through responding as a market actor which requires that they become a *homo œconomus*. As Foucault notes, the difference of the neoliberal subject from the liberal *homo œconomus* is that "he" not only make rational choices in market exchange but also he must be "an entrepreneur of himself [making wise investments in himself], being for himself his own capital [creating marketable returns through educational, social, health and cultural

investments]... his own producer ... the source of his earnings” (2008, p. 226). This neoliberal subject is ultimately responsible for every aspect of their life - happiness, wealth, and health. The neoliberal logic has been most popularized in Margaret Thatcher’s claim “there is no such thing [as society]! There are individual men and women and there are families and no government can do anything except through people and people look to themselves first” (1987, as cited in Margaret Thatcher Foundation, 2010, URL).

I describe neoliberal urbanism as the lived experiences of people in cities that both produce and contest the neoliberalization of urban spaces. These spaces are the privileged sites of neoliberalism, and local government actors likewise hold privileged positions in producing and contesting it. The emergence of interlocal competition and increased capital mobility (Peck and Tickell, 2002), and a rescaling of development responsibilities to cities, implicate local governments in reproducing neoliberalism and in regulating its tensions. With a larger dependency on locally-generated revenues, urban renewal has emerged as a global strategy for local economic growth (Smith, 2002). Hackworth (2007) refers to this strategy not only as neoliberalization of urban space but also as the knife-edge of neoliberal urbanism: it is the assertion of local governments’ role as market facilitator and, as Keil (2009) would claim, indicates the internalizing of neoliberal logics through spatial governing practices.

Klein’s (2007) description of policy shocks has particular relevance to neoliberalization in Perú. Economist Hernando de Soto became an important figure for neoliberal shock reforms as his *Instituto de Libertad y Democracia* policy recommendations were implemented *en masse* under the final years of the García administration (1985-1990) and the first Fujimori government (1990-1995; de Soto, 1989, p.xxxi) during a period of immense political instability. Fujimori’s

immediate change to a neoliberal policy regime upon his election<sup>2</sup>, signified by the adoption of de Soto into his policy team and a trip to Washington DC, led quickly to reforms:

deregulated/reregulated finance and labour markets, privatized public resources, and further integration of Perú into the international economy (Roberts, 1995; Portes and Roberts, 2005).

The immediate impacts of the reforms had their own ability to shock, particularly on much of the poor: increasing income inequality, unemployment, and informal economic activity (Portes and Roberts, 2005).

Neoliberal urbanization and one of its key strategies, urban renewal, have unfolded in the context of the transformation of Lima, including the massive appropriation of public space in the Historic City Centre of Lima (see de Soto, 1989). The destruction of the cultural property of the Historic City Centre of Lima, which Andrade attributed to the presence of informal vendors and the consequent years of urban decline, was responded to by an urban renewal project in 1996 (Gandolfo, 2009). The project was not just about recuperating cultural property from decline and ridding the streets of informality (see Gandolfo, 2009). It was also an expansion of neoliberal urbanization, intended to improve property values by attracting tourists and investments such as hotels to the city centre (Leonard, 2000). In this urban renewal project – neoliberal urbanization – the confluence of neoliberal logics and practices with eradication policies came about. The project aimed to remove street vendors from the Historic City Centre and it did so through attempting formalization strategies.

I highlight this case because “relocating” street vendors through formalization became responses elsewhere shortly after the implementation of Andrade’s plan in the Historic City Centre, and in districts of *los conos*: in San Juan de Miraflores, Villa Maria del Triunfo, and San

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<sup>2</sup> In the 1990 elections Fujimori ran on a platform that countered Vargas Llosa’s promise to impose neoliberal reforms. Fujimori won the election, and then he adopted neoliberal reforms.

Martín de Porres, for example (desco/Alternativa, 2001). The responsabilization of structural factors onto individual street vendors (Hunt, 2009) demonstrates neoliberal logic of creating the subject *homo œconomus* through urban renewal. The success of the recuperation project has arguably created the impulse to replicate these policies elsewhere, and to employ formalization as a way to eradicate street vending:

Beyond the case of the Historic City Centre, the sites of informal claims to work and subsist are being challenged by neoliberal discourses that expect street vendors to be responsible for their poverty. The production of new marginality, I argue, can be seen by the attempts to formalize second and third wave migrants in Lima who live in *los conos* and practice street vending. For this reason, my interest is to study street vending policies in districts located in *los conos* following the period Historic City Centre evictions, which occurred from 1996 until roughly 2000.

### **1.3 Street Vendors, Ambulantes, Informals?**

The literature on economic trade of those who take to public space utilizes multiple terms: itinerant vending (*comercio ambulatorio*), street vending, and informal vending (*comercio informal*). These terms are often used interchangeably and are not easily distinguished from each other. The key shared feature is informality, which I will discuss at length in order to clarify its relation to vending activities and in order to set up one of the primary concerns of this thesis: formalization.

Itinerant vending, street vending, and informal vending share the commonality of being economic activities that *can* occur in public spaces. In Perú, the activity is most often referred to as *comercio ambulatorio* and those practicing as *ambulantes*. The precise meaning of *comercio ambulatorio* refers to something different than street vending or *comercio informal*. *Comercio*

*ambulatorio* literally refers to the practice of individuals who wander (*deambular*) through streets, shopping centres, or any other location that potential customers can be found to engage in small-scale vending, whether holding onto their merchandise or pushing it with mobile carts. The term often becomes conflated with street vending, which can include both vending from a fixed location and *comercio ambulatorio*. de Soto (1989) suggests that *comercio ambulatorio* is an early stage in the process of street vending (the next stage is vending in a fixed location) in a series of informal vending practices. This definition differs from the understanding of *comercio ambulatorio* in currently valid law. The Metropolitan Lima By-Law 002-1985-MML defines it as “[a] small-scale economic activity that is developed in fairgrounds (*campos feriales*) or in regulated areas of the public thoroughfare (*via pública*) to sell prepared, manufactured and/or natural products”. Thus, *comercio ambulatorio* may also be understood as fixed-post vending under the municipal definition. Furthermore, with this definition it may be an activity that does not occur as street vending, as not all *campos feriales* in regulated areas are located in the streets (in this study, however, any *campos feriales* referred to are located on streets). I understand the common use in Lima of *comercio ambulatorio* to refer to all forms of street vending as stated in By-Law 002-1985-MML but acknowledge that those referred to as *ambulantes* may no longer *deambular*, even if they have likely done so in the past. In this work, as in vernacular speech in Lima, *comercio ambulatorio* can refer to all forms of street vending.

The term street vending refers to the soliciting or trading of goods and services in street spaces (e.g., shoe-shining, selling prepared food or groceries, workers that take potential clients into private businesses (*jaladores*), outdoor sex work), as opposed to all employment in street spaces (e.g., security guards, police officers; Bromley, 2000). As earlier suggested, the practice of street vending can take on fixed or itinerant forms (de Soto, 1989; Bromley, 2000).

Nevertheless, in most cases street vending is never fixed in a particular space given the fact that the struggle for the opportunity to sell in public space is challenged by state desires to normalize the use of streets for transportation (de Soto, 1989; Bromley, 2000). Thus, some forms of street vending actually are temporally predictable – the vendors return to the same location day-after-day for months or even years – but lack formal authorization: they are both temporary and permanent. The Caquetá-area, which has been appropriated by street vendors for over 50 years, is proof of this. All vendors in the area are still referred to as *ambulantes* by the District Municipality of San Martín de Porres<sup>3</sup> despite that the area is popularly known as a marketplace and that some vendors have booths built into the public thoroughfare. Because street vendors lack authorization to permanently be there they remain informal and mobile. As their practices are labeled informal by the local state and state representatives, and consequently street vendors are deemed *ambulantes* for being informal, there is much overlap between street vending and *comercio ambulatorio*.

There is another explanation for why street vending and *comercio ambulatorio* overlap significantly. In English academic literature street vending is used as a synonym for *comercio ambulatorio* (see Hays-Mitchell, 1994; Bromley, 2000; Cross, 2000; Roever, 2005; Roever, 2006; Swanson, 2007; Donovan, 2008; Bromley and Mackie, 2009; Crossa, 2009; Hunt, 2009). The use of these words as synonyms is quite common, and interchangeable as there is no linguistic equivalent to street vending or street vendors: “[i]n Perú street vendors are called *ambulantes*” (Hays-Mitchell, 1994, p. 427). Not only are the terms street vending and *comercio*

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<sup>3</sup> Raul Ramos, the Director of the Office of Economic Development and Auditing at the District Municipality of San Martín de Porres, corrected me a number of times when I did not refer to street vendors as *ambulantes* in May 2009. The rationale according to Mr. Ramos was that *ambulantes* had no right to public spaces and should not be stationary or semi-permanently fixed in space.



*ambulatorio* synonymous but these terms are also linked to the practice of *comercio informal* and also treated as interchangeable with that term. I too treat the terms as interchangeable for reasons I return to after discussing informality.

### **1.3.1 Informality**

Informality cannot be easily defined, but it is often and naively understood in dualistic terms that treat informality as an extralegal subsistence practice of the marginalized that contrasts with the firm-based state-approved economy (see Castells and Portes, 1989; Roever, 2005). This naïve conceptualization can conflate street vending or *comercio ambulatorio* with a problematically teleological version of informality. In order to avoid this I suggest that informality should be understood from both a “from above” and “from below” perspective. I explain why the dualist model of marginal is false as I define informality through the proposed arguments.

Academic contributors to the literature on informality agree that it is in part a product of state policies and practices (de Soto, 1989; Alsayyad and Roy, 2004; Bromley, 2004; Roy, 2005). Perhaps one of the more influential theories of informality is de Soto’s legalistic perspective. de Soto (1989) treats informality as a product of the inefficiencies of state bureaucracies and regulations, which lead to relatively more efficient, extralegal solutions. For example, these solutions take the form of squatting in housing markets, and street vending or microenterprises in trade and production. de Soto’s legalistic perspective (1989) suggests that interventionist policies of the state are precisely what keeps people out of formality, and leaves informals searching for security through other means than market behaviour. Ultimately, the state should engage in legalizing informality by both recognizing the property of the poor and by reducing “red tape” thus allowing “the invisible hand of the market” to do its work through market actors (de Soto, 1989; see Roy, 2004). By making formality accessible to everyone

informals will avoid becoming political: as de Soto might word it, formalization would assure that vendors realize their entrepreneurial nature instead of acting as partisan organizations (see de Soto, 1989, p. 90).

What is useful about de Soto's observations is his acknowledgement of the state as regulator of informality, which I describe further below. Nevertheless, de Soto's position that those practicing informality are merely "legally excluded" from formal market participation and thus left to fend for themselves in a parallel economic system fails to acknowledge structural inequalities in capitalist markets and social exclusion apparent in informality – both of which require political representation. There are nuances to the argument that informality is a parallel system of the excluded (however defined), which I will describe in this section. The de Soto argument that informals engage in political acts as a result of market distortions is challenged in Chapter Three where I discuss neoliberal citizenship.

Castells and Portes (1989) challenge the notion of informality as the exclusion of the poor by state regulation as well as informality as parallel to a formal system. Like de Soto they see informality as a product of state regulation but they suggest that unregulated practices are a result of the changes within capitalist social relations, often with the tolerance and acceptance of the state. They claim that the formal and informal economies are quite integrated, and often informality is used by producers as a fix for high production costs caused by regulations and organized labour, and accepted by states trying to gain a comparative advantage in the global economy (Castells and Portes, 1989). Thus, informality is not just a practice of subsistence but also a practice of those who control and regulate the means of production to by-pass the costs of certain regulations. Informalization is a catalyst in the production of precarious labour as well as in a heterogeneous, de-collectivized labour movement (Castells and Portes, 1989).

A strength of Castells and Portes' (1989) understanding of informality is that it does not crudely separate formal from informal, nor assure that informal economic activities are necessarily marginal. In fact, informalization is deemed as both a process of liberalization that benefit producers (e.g., formal and substantive environmental and labour deregulation and the "roll-back" of the welfare state) and a product of the need of the poor to engage in survival strategies under contemporary capitalism – whether as own-account operators/"entrepreneurs" or as workers of subcontracting (informalized), smaller firms (Castell and Portes, 1989). Informality is not marginality, nor does a marginal sector exist on its own: the well-to-do engage in informality, and they do so by mixing formality with informality (see Bromley's (2004) discussions of the high-class Utopia Night Club disaster in Lima, Peru, the Enron Scandal, and Capecchi's (1989) discussion of Italian firms). Second, de Soto's (1989) notion that formality would emerge by dropping regulations to the level of the informals proved the opposite effect. In liberalizing economies, particularly in Latin America, there has been a shrinking of formal work conditions, most notably for the middle class, and a rise in informal economic activities, particularly microenterprises and informal employment (Centeno and Portes, 2006). In fact, liberalization under neoliberal reforms brought rising unemployment, falling wages, and rising informality throughout Latin America from 1990 to 2003 (Leiva, 2008). de Soto's prediction that formality would emerge through liberalization has been contradicted in practice. Furthermore, the substantive outcomes of neoliberal reform raise questions about the role of informalization and neoliberalism in producing precarious environments for the urban poor (see Sections 1.3.2, 1.4).

Roy and Alsayyad (collaboratively and individually) have also addressed the structural factors of informality. Informality, from above, is a strategy of the state. According to Roy

(2005) the power of the state is to use its sovereignty to suspend the rules, to determine what belongs in the category of formal (planned, fixed) and informal (flexible), and to determine what forms of informality should and should not appear. Thus, the state has capacity to relegate certain lands, practices and institutions fixed (formal) and others under constant negotiation (informal). As Alsayyad and Roy (2004) argue the logic of the state in the neoliberal era of economic flexibilization is to ask the following: which forms of informality should exist? The state determines which practices are necessary for the organization of urban space and the economy, and which practices must not be. Certain forms of informality can enjoy (unstable) legitimacy while others may be annihilated (Roy, 2005).

My understanding of informality derives from the analyses of Castells and Portes and Alsayyad and Roy. Informality must be considered a state strategy for organizing people across space, and, a set of practices for circumventing regulations – as much as for engaging in wage repression in the service of accumulation as it is a survival strategy for those whose workplaces have become informalized, or remain underemployed and unemployed. Informality is useful in regulating economies by the state as it is also a useful tool for urbanization and development (Castells and Portes, 1989; Al Sayyad and Roy, 2004; Roy, 2005). To simply suggest that people organically create informal systems as a response to “barriers to entry” fails to acknowledge the ways in which the state has power in producing informality, negotiating its terms and later fostering or annihilating it.

The state also plays an important part in determining which occupants or activities in a territory are legitimate, and how that legitimacy unfolds in informality. Race, class and gender are particularly important in the use of informality as an organizing logic. Yiftachel and Yakobi (2004) demonstrate how informality can be produced to create spaces of exception for certain

ethnic groups, only to determine later how those groups will be integrated. The legitimacy for action against those whose modes of existence depend on informality comes from the fact that they are made exceptions. Perlman (2004) notes those living in *favelas* (settlements founded on squatting) in Rio de Janeiro, Brasil have an informality shaped by repression and exclusion from the state. The marginality of these spaces and the individuals that dwell in them results from deliberate exclusion based on identity categories.

Informality from below is more than just the reactions to state regulations. Indeed, from an instrumentalist and reactionary position some actors may choose to function inside or outside formality based on the benefits they can procure from practicing in either realm (Castells and Portes, 1989; Roever, 2005). Yet what is most important for this thesis to recognize about informality from below is how one's security and political representation are constituted by informal claims made through the appropriation of space. This is of particular importance to groups that are differentiated Others – those of identity categories deliberately excluded by the state and placed in the “state of exception” (Agamben, 1998). Roy (2005) states the claims made in urban informality are akin to the “Right to the City” (see Lefebvre, 2002) and contrast with formal claims such as “Right to Property”. These claims do not necessarily represent active political movements (although sometimes they do; see the 1980s activism of FEDEVAL, a street vendors’ organization in Lima operating from 1979 to the present). Informals tend to use active and substantive claims to belonging in order to have security in the face of being located outside the dominant society. Bayat (2004) notes that informal vendors actively claim space and, in doing so, resist the ordering of public spaces by the state.

Often such claims are attempts by informals to accommodate themselves comfortably within dominant structures rather than to dismantle them (Bayat, 2004; Roy, 2005). Whether

efforts by informals are to revolutionize society is debatable both in the geographies of theory, and in analysis. In Latin America, the politics of informals have been represented as socially transformative, emancipatory and resistant of the state (see Bayat, 2004). Throughout the informal urbanization process (1960s to 1980s) in Perú the political mobilization of informals for social change has been particularly prevalent and, consequently, transformative (Leeds and Leeds, 1976; Matos Mar, 2004). Yet the theory of informals as engaging in social change, especially in Perú, is suspect in the present context (1995 to the present) especially after over a decade of internal conflict in the 1980s and 1990s (see Matos Mar, 2004). In this thesis I do not suggest that or verify if struggles of street vendors are active attempts at social transformation – although they may be. I argue that street vendors engage in struggles, which have, in the past been motivated for social and political change, and in the present approximate important prescriptions for social change, in order to create another possible world.

I now return to the issue of Lima's street vendors' informality. I argue that *comercio informal* overlaps with *comercio ambulatorio* and street vending. From a technical perspective, street vendors are deemed informal as they are categorized as such by state agencies and NGOs. In this regard they are a significant portion of all informal economic activity constituting 20-25% of Lima's informal sector (see Roever, 2005). In addition, street vendors represent a group that are treated as an exception (to formal businesses), and exposed to both policies of eradication and tolerance in oscillation. Like all other forms of informality, their claims are constantly being negotiated. By-Law 002-1985-MML is a good example of this negotiation, as it partially authorizes street vending on conditions of stationary vending in regulated areas (see Roever, 2005), while punishing those engaged in mobile forms. In the contemporary era of formalization

policies there are several ways that informals are differentiated and subsequently tolerated or not.

This is the topic of Chapter Three.

### **1.3.2 Street Vendor Marginality and Informality**

Street vendors suffer the economic, gendered, racial, and class dimensions of marginality that are reproduced through exclusionary practices in state regulation of informality. Economic restructuring under neoliberalism, along with the racist policies of the state, have influenced how certain economic practices are to be treated. In this section I explain the marginality of street vendors as part of the category of informal.

Accounts of urban informality between 1980 and 2000 show that informal vendors are primarily rural migrants most of whom are from the Andes (de Soto, 1989; Matos Mar, 2004; Gandolfo, 2009). Thus informal vending, at least in the contemporary period in Lima, is still attributed to rural migrants from the Andes that remain especially racialized as non-whites both phenotypically and discursively (de la Cadena, 2000). Although the period of mass migration has passed high proportion of informal vendors are still racial minorities. According to a study of the informal vendor population of the district Independencia in 2002 almost 70% of informal vendors were identified as rural migrants or migrants from smaller coastal cities, the overwhelming majority of whom come from rural locations in the Andes (Municipalidad Distrital de Independencia, 2008, p. 35)<sup>4</sup>.

Women comprise a disproportionate share of vendors in Lima's *los conos*. Ypeij (2000) highlights the gendered and spatial division of labour that limits the access of women practicing informality to larger, formal markets for employment and places their economic activities closer

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<sup>4</sup> These statistics do not take into consideration what percentage of sons and daughters of rural migrant parents engage in informal street vending practices.

to their homes or in smaller sites of material distribution. In the District Municipality of Comas, the municipality counted 71% of informal street vendors as women (Municipalidad Distrital de Comas, 2005, p. 8). In the District Municipality of Independencia, a study in 2004 showed that women constitute 69% of the street vendor population (Municipalidad Distrital de Independencia, 2008, p. 35). While women are increasingly incorporated into the labour force in Perú (INEI, 1999, as cited in Municipalidad Distrital de Independencia, 2008, p. 37), their disproportionate numbers in informal vending demonstrate women's tendency towards precarious labour activities.

Street vending occupies an exploited place both in the continuum of informal economic practices and in relation to the formal economy. In the informal economy there are significant wage gaps between actors occupying entrepreneurial status and wage working status, and also within both categories. Chen (2005) demonstrates that there is a gendered division between entrepreneurial and wage-working informals with income disparities that affect women's livelihoods negatively. Between these categories there is liminality where "entrepreneurs" – labelled own-account workers (i.e., they employ themselves; Chen, 2005) – fit closer to the wage labour section due to the precarious work conditions: precarious sources for earnings, poor working conditions, and lack of rights and political representation (International Labour Office, 2002). These conditions are often experienced by women and ethnic minorities; groups that often form much of the informal economy (International Labour Office, 2002).

Informal vendors in Lima, Perú tend to occupy the category of own-account operators that self-exploit for survival on limited gains. As well as the conditions identified for informal own-account operators by the International Labour Office (2002), the income generation of informal vendors in Lima is largely low. In the case of Independencia, 78% of vendors and their



families receive less than a minimum wage for “survival”<sup>5</sup> of S/. 510 per month (\$190 CDN as of June 29, 2010; Municipalidad Distrital de Independencia, 2008, p. 47). The low incomes of informal vendors and their families are due to their inability to earn a sufficient wage through vending activities: over 50% generate revenues that are less than half the minimum wage for “survival” (Municipalidad Distrital de Independencia, 2008, p. 47).

The poverty of informal vendors, coupled with their persecution through municipal policies and practices, demonstrates that street vending largely qualifies as a survival strategy in Lima for the marginalized urban poor. The groups that participate in informality are already noticeably differentiated Others that are excluded from dominant society based on the identity categories of race, class and gender. In Chapters Three, Four, and Five, I demonstrate how these hostilities produced by eradicating certain forms of informal practices are driven by neoliberal logics and the colonial present and produce new forms of marginality for differentiated Others in Lima.

#### **1.4 Formalization**

Formalization can be understood in two opposite yet complementary ways. The first is the informalization of formality, which has happened during and after Latin American neoliberal reform (1990s to the present). Informalization is the deregulation of a once-regulated institution of practices in the legal and social environment (see Castells and Portes, 1989). The second is the formalizing of informality: the regulation of an institution of practices in the legal and social environment. According to de Soto (1989) the goal is to bring every practice by all actors to the level of formality. For de Soto (1989) this means formalizing informal claims to property and

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<sup>5</sup> Surviving on S/. 510 per month is not possible if one needs to obtain a minimum nutrition level, pay for clean water, and pay for transportation to work.

thus bringing access to legal institutions to those who practice informality, as well as informalizing formality by liberalizing and deregulating in order to make the conditions of formality accessible for all.

de Soto (1989) argues that state acceptance of informal claims is not formalization if property rights are not respected. Re-regulating informal street vendors in public spaces and adjacent public properties, such as is done in By-Law 002-1985-MML is precisely the problem of extensive regulation with no promise for formality (de Soto, 1989). His answer is to place informals on the path to private property to achieve full formalization. For informal street vendors this path to privately-owned marketplaces will enable vendors to realize their informal claims to security as property claims and an effective state that ensures competitive market conditions for wealth generation (de Soto, 1989). As public property is administered by the state there is danger, according to de Soto (1989), of informal claims to be secured through politics – they must be secured through the law, and thus through the right to property.

According to de Soto, as competitive market conditions require compliance with the law, there is a tension between regulations for necessary controls and the problem of extensive bureaucracy. The other goal of formalization then is to establish what controls are important while reducing bureaucracy. For informal vendors, de Soto's version of formality requires them to first have access to property and then access business licenses, tax registries, and health and sanitation checks, all of which would be provided with the least amount of paper work, time and effort.

Yet, as Roever (2005) suggests, de Soto's version of formalization (access to private property and bringing regulations to the level of informal practices) is not always feasible for the state. Rather, the regulations of the state are a partial formalizing of informal claims, such as in

By-Law 002-1985-MML. This by-law establishes some regulation of street vendors' economic practices to the extent that the state and vendors have agreed to. In this case, there is no decisive regulation of the property; the ability remains for the state and street vendors to renegotiate the conditions of use of space. Roever (2005) states this is the recurring state and social practice of formalizing informality: the repeated negotiation of the terms of formalization, and to what degree formalization will occur.

Formality and informality are organizing logics of the state, and strategically negotiated by both the state and the collective political and encroachment practices of street vendors. I show formalization in the contemporary era in Lima has been used alongside eviction strategies as a way of eradicating large numbers of informal street vendors from public spaces. The state's push for massive evictions of street vendors and its intention to subsequently relocate them to marketplaces or commercial centres on private property demonstrates that de Soto's vision of formalization is adopted by the state. The substantive reality, however, is that vendors will resist eviction and attempt to renegotiate the conditions of their appropriation of public space.

### **1.5 Transformation of Lima**

The research is informed by the transformation of Lima into a megacity with a large population of migrants and their families (primarily) from the Peruvian Andes. Urban informality, while growing under neoliberal reforms, is also a product of the legacies of informal urbanization, including the opportunities available to rural migrants in the context of the political, social, economic and demographic processes occurring during the time of their migration and settlement. As I describe the transformation of Lima I seek to highlight first, how informality has been a factor in the urbanization of Lima and, second, the geography of Lima's

transformation, particularly through the growth of *los conos* (literally translated as “the cones” referring to peripheral sections of the city).

By highlighting Lima’s transformation through the migration of people from the Andes to the city to – largely – *los conos* I have two goals. First, to show how the current attempts to formalize street vendors results in their socio-spatial exclusion and the production of a new marginality, which emerge out of the context of Lima’s informal urbanization. Second, to show that attempts to eradicate certain forms of informality through formalization and the prohibition of street vending are occurring in spaces produced through informal (and as I describe later, neoliberal) urbanization. The changing face of marginality for street vendors is caused by the renegotiation of formality and informality (although mostly eradication of the latter) in the spaces where many Andean migrants and their families have made their informal claims to security. The spaces of *los conos* are being re-regulated, producing new forms of exclusion for those inhabitants.

The urban transformation of Lima is due to the period of mass migration from the Andes to Lima that occurred between the 1940s and the present. The growth was due to planned developments of working-class housing in 1940s and 1950s, and from 1950 onwards larger-scale squatting in the spaces now known as *los conos* (Leonard, 2000). Barreda and Ramirez Corzo (2004) have highlighted the growth in three stages. There was a first wave of *barriadas* (literally translated as neighbourhoods but refers to “squatters”; 1940-1954) along the Lima-Callao axis (e.g., Los Olivos, Rimac, San Martín de Porres). These *barriadas* were populated by the urban poor escaping the aftermath in the city centre of the 1940s earthquake as well as by rural migrants moving to Lima during emergent industrialization (Barreda and Ramirez Corzo, 2004, p. 206). The population more than doubled from 600 000 to 1.38 million people in that time

period (Leonard, 2000; Matos Mar, 2004). The characteristics of this migration are significant in comparison to later migrations. First, they occurred in some sections that would now be deemed *los conos* but by and large constituted growth within the current urban core of Lima (see Matos Mar, 2004). Second, the earlier migrations have been categorized as part of an “emergent” city versus the idea of a “miserable” city. According to Ballón, migrants that arrived to the city in that circumstance and during that era [and spaces] have had a different level of inclusion and adaptation to the city, primarily representing this “emergent” city (2004, p. 8). This is due to the conditions during the migratory process (migration with opportunity during industrial growth; Ballón, 2004). Academics have recognized that these conditions have produced a disparity between the different waves of migrants to Lima. Both Matos Mar (2004) and Ballón (2004) suggest the first wave of migrants from the 1940s and 1950s came to *los conos* as successful migrants while the second wave of migrants has struggled with economic instability and exclusion.

The second wave of migration (1954-1980) was characterized by significant growth outside the established urban core/centre in areas with little or no market value on public property (Barreda and Ramirez Corzo, 2004). These areas *also* later became known as *los conos*. During this period of mass migration urban informality became the dominant mode of urbanization for racialized rural migrants. Although migrants found different options than servitude and unpaid work, or living in *haciendas* or in rural communities, the transformation of Perú from a primarily rural to an urban population followed exclusionary premises and strategies for survival, which often took the form of informal urban practices – squatting, and street vending, for example.

The informality from above was in part due to the exclusive and insular composition of the traditional *criollo* state that excluded rural migrants from state protections and benefits (see Matos Mar, 2004). Yet, despite the insular nature of the *criollo* state, it often permitted informality while exculpating itself from responsibility of urban development in *los conos*<sup>6</sup>. In the 1960s the state recognized settlements formed by squatting, but used “self-help” policies to place the responsibility of development on the squatter community organizations (Leonard, 2000; Barreda and Ramirez Corzo, 2004). The partial formalizing of the informal urbanization process, gave some legitimacy to Andean migrants making claims to security through spontaneous and creative survival activities. It also produced a “passive permissivity” on the part of the state to practices such as squatting and street vending.

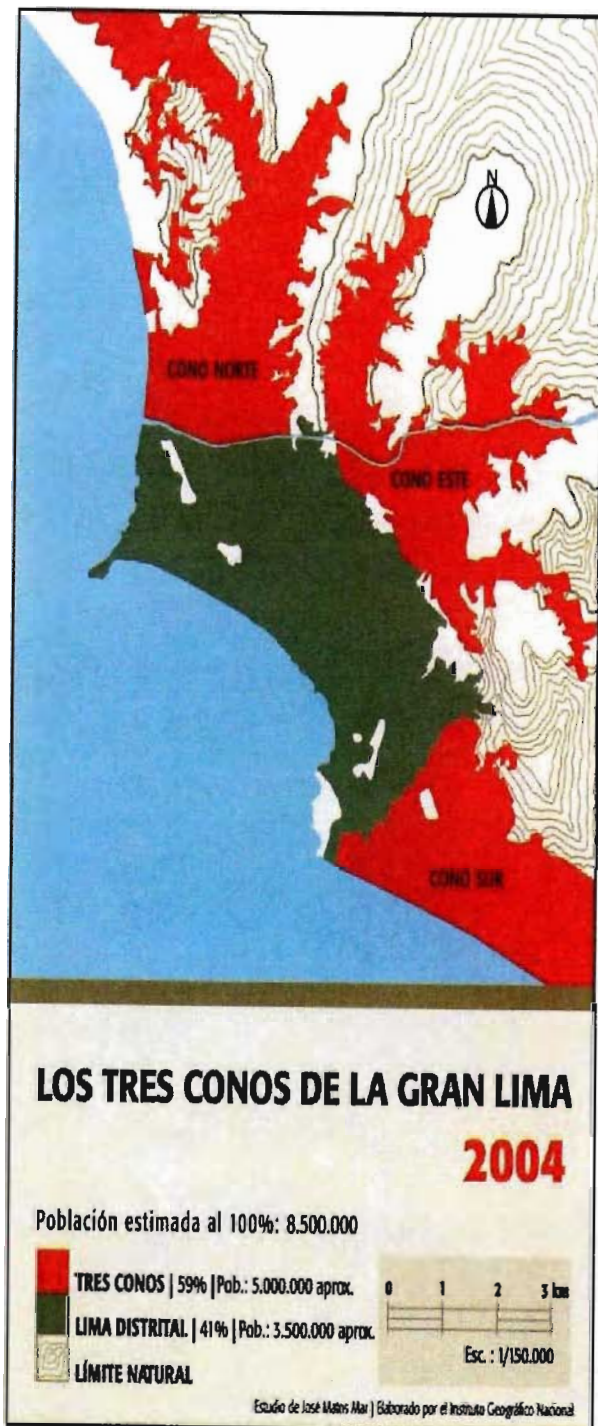
The second wave of migration makes up a significant part of Lima’s population growth. The city had expanded significantly by the end of this period to 4.6 million people with those living in squatted settlements accounting for approximately 30% of the population of Lima (Leonard, 2000). This wave has produced the majority of urbanization in the area of *los conos*.

The third wave of migration (1980- 2004) was characterized by slow growth rates from migration, a population growth to 8.5 million inhabitants, and a consolidation of *los conos* formed by 5 million *limeños* (a person from Lima; Figure 1.1). Migration to Lima in this period came with fewer opportunities, and as a result of internal conflict in Peru (Barreda and Ramirez Corzo, 2004). This wave of migration came with neoliberal reforms, the consolidation of global capitalism producing more inequality in Lima, and a rise in informality (Matos Mar, 2004). The opportunities to squat on land became fewer as most habitable land had been appropriated, and

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<sup>6</sup> The popularity from the 1960s onwards in Lima of John Turner’s “self-help” policy, which encouraged and responsibilized squatters to build their own housing is evidence of this.

primarily marginal land was available for appropriation, creating conditions of substandard housing (Barreda and Ramirez Corzo, 2004). As stated earlier (Ballón, 2004) it is this wave of migrants that experience the greatest spatial marginality, and difficulty in being economically and socially included in the city. This research is conceived mainly with the group of recent migrants and second wave migrants who face economic and social marginality more openly, and must engage in informal claims in order to subsist in Lima. They not only live in *los conos*, but also appropriate public spaces in *los conos* for work.



**Figure 1.1** The North, East and West cones of Lima (clockwise from the top: *Cono Norte*, *Cono Este*, *Cono Sur*) representing the second and third wave migrants that now form the majority of Lima's population.

(Source: Matos Mar, 2004, p. 153)



## **1.6 Conclusion**

This review of the concepts of street vending, informality, formalization, neoliberalism, neoliberalism in Lima, and the historical transformation of Lima establishes a context for the arguments I provide in the following chapters. It also helps establish why I have chosen to investigate this new marginality in Lima, why I have chosen *los conos* as the sites to be analyzed, and why neoliberalism is important to discussing this new marginality.

As I navigate the arguments in each chapter I aim to account for the changes in citizenship practices, property, and public space that are preoccupations of urban geography literature. More importantly, I, second, establish a framework for street vendors' struggles based on critical literatures on citizenship, property, and public space that incorporate debates about the current political economy. Third, my analysis broaches and synthesizes materials from a series of debates in three subdisciplines of Geography, urban, economic and political, as well as interdisciplinary debates. First, it covers economic geography by discussing the effects of economic restructuring under neoliberalism, and elucidating already-existing claims of the contradictions and crisis tendencies of neoliberalism (see Peck, Theodore and Brenner, 2009). Second, urban geography debates on property rights, public space, the right to the city, urban informality and the processes of exclusion produced by neoliberal urbanism are incorporated. Third, I engage with political geography literature on citizenship, including discussion of the ways in which citizenship claims can be made through substantive practices and through public spaces.

## **Chapter 2 - Methodology**

### **2.1 Introduction**

In this chapter I highlight the inherent contingencies and the subjective, partial nature of the research process, which shape both the data available for analysis and the overall presentation of the thesis. I first demonstrate my positionality, including theoretical and political commitments that shape the research. I then engage in a two-fold argument that demonstrates how this research both intellectually and logistically is a “montage” produced by multiple actors. In this second section I focus on field work, which has shaped how I can discuss the changes of street vending and the “new” production of marginality through neoliberalism as a process. The chapter as a whole highlights this research as a “montage” both intellectually and practically.

### **2.2 Positionality**

In order to describe how this research and its resultant thesis is a confluence of partialities I give a brief account of my positionality. The need to establish my positionality results from an acknowledgement. Haraway and others have rejected the notion that epistemological claims can be universal, on the basis that (a) universal claims rely on “a god trick of seeing everything from nowhere” and (b) they enact an epistemic and political violence that subjugates certain knowledges and creates uneven power relations that oppress those actors whose subjectivities are subjugated (see Haraway, 1988, p. 581; Rose, 1997). Rather what must be acknowledged are the contingencies of truth claims over space and time, which constitute the historical and present constellations of subjectivity – the culmination of our differentiated positions (Haraway, 1988). Epistemological claims to truth are produced by the particular space-time relationships between actors. The way we navigate and practice knowledge from the environments we interact with shapes how we gaze at the world to make sense of it from our particular perspectives (Rose,

1997). In terms of my position, my relationship to those from whom I acquire “data”, the supervisory committee, and the intended audience of this thesis all shape the knowledge I understand the world and my research topic. Less directly, yet not less important to how this research is shaped, are those with whom I converse day-to-day or less frequently, and those – both alive and deceased – whose discourses have also shaped my position.

My research in Lima, about Lima, is informed by my rather dynamic positionality, which cannot be easily positioned along an insider/outsider continuum (Mullings, 1999, as cited in Butz, 2010, p. 149). I participated in the spaces of my research as an outsider: an economically privileged, university educated, white, Anglo, Western male in *los conos* of Lima (in particular Canto Grande, San Juan de Lurigancho) with personal and political commitments to the university as an institution. The experience of living in Lima in *los conos*, engaging in informal economic practices that provide the livelihood of those who I lived with, experiencing in my own way the pressures of informal economic relations by state actors, the tensions of the colonial present, and the disparities between my everyday practices and the livelihood practices of others, has in some ways reasserted my position as outsider as it concurrently destabilizes that position. My experiences locate me as a boundary dweller – one whose research is written from personal experience and also as “authorized” knowledge-producer engaged with an object of study (see Butz, 2010, p. 150). Being a boundary dweller reflects the particular position I write from and my subjectivities in space and time. The thesis, and of the life of the researcher, is a part of the process of the self-construction: an exploration of the dynamics of one’s position, or the changing relationship of the individual to the outside world (see Jensen and Glasmeier, 2010, p. 83). I perceive my work to be a reflection of the uneasiness between the resultant personal and political commitments from living in Lima, Perú on and off from 2005 to 2009 and the

connections I made there during that time, and the more permanent aspects of my identity (white male, middle-class) coupled with newer aspects and commitments as an academic.

As a student of critical geography, I recognize the need to challenge existing structures, dominant discourses, and assumptions (see Blomley, 2006). I think that privilege should be used for producing representations of reality that, in the process of their creation, reflect on both the problems of representations by the researcher of the researched and that advocate for social change by challenging dominant representations. I exemplify Bromley's observations regarding researchers on street vending "[typically those] who do research on street vending [and informal vending] end up as advocates, developing strong links with their subjects and tending to identify with them" (2000, p. 13). However, my advocacy is expressed with the caveat that privileged as a boundary dweller, I produce authorized knowledge from my personal experiences (see Butz, 2010). This work is an expression of the power of that privilege, and engages my own sense of reality through problematically representing the world of others. It is also a normative work that seeks to produce empirically-driven observations with political commitment (to street vendors as a precarious group within the working class). More generally, I seek to use the various tools of Critical Geography (Blomley, 2006) to satisfy what Martín (2001) believes is the duty of geographers to challenge exclusion and marginality (in Lima's street vending policy) in order to inform a different kind of social action. Challenging these injustices must involve representations that are critical of the realities of the present and that also constitute a normative project of better futures (Blomley, 2007).

### **2.3 Research Methods and Field Work**

Academic work always relies on a confluence of disparate and incomplete sources. Our works are always products of the (cited and non-cited) sources of knowledge we bring together shaped

by supervisory committees, intellectual interests, and the existing collection of available information, among other things, which together produce this “montage” called the thesis (Crang and Cook, 2007, p. 177-9). There is nothing to suggest this research could be anything but “bits and bobs from here, there and everywhere” (Clifford, 1992, as cited in Crang and Cook, 2007, p. 178). But the montage form is not just a product of the subjectivity of the individual; it is also an intentional organization of the different pieces assembled in a particular way to have the reader consider reality differently. In this research my intention is to utilize a montage sensitivity to assemble information in ways that both problematize the neoliberalization of street vending in Lima, Perú, and to advocate against the oppression of street vendors. I do this through the collection of whatever pieces of information I can to make that argument. The presentation of this argument is a montage of the bits and pieces I take from Western Anglo geography/academic literature, Peruvian academic literature, Lima newspapers, municipal laws, my personal experiences, and the shared stories of the personal experiences of informants, strangers, friends, and family in Lima. The montage approach is especially appropriate for research that relies on Access to Information requests, as I do in my research. The inevitable denial of some request makes it impossible to gather the appropriate data for a systematic and comparative analysis.

Producing empirically-informed research on the neoliberalization of street vendor policies in Lima, Perú required that I engaged in compiling information that could ostensibly be done in part from Canada (in hindsight), but mainly required a research period in Lima<sup>7</sup>. My experience in navigating through Lima in order to gather this information was shaped by the

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<sup>7</sup> Without the research period in Perú I would not have been able to explore the different institutional histories or know the extent to which I could request and compile information. I would, however, have had access to some of the published By-Laws, Decrees and Council Accords and some online news content and municipal press releases.

research question (informed by prior reading and my personal experiences in *los conos*), my ability to navigate different geographies (familiar and unfamiliar), and how I worked through an unfamiliar legal process for discovering what information exists and is available established through the Law of Transparency and Access to Information. But, as I highlight, the role of municipal government actors significantly shaped what information was available to me (both information for my research and information about accessing information) and thus what further questions (both formal information requests and informal requests about accessing information) I asked.

The first set of information collected for this research was obtained from five district municipalities, and a sixth, Lima, which serves as both a provincial/metropolitan and district municipality. In order to obtain the information that I have, I approached about 1/3 of all of Lima's municipalities (14 of 43 municipalities) and solicited copies of documents, media and even recordings that relate to informal vendors, *ambulantes* and use of public spaces and commercial activities in public space through Law 27806 and its amendments – the Law of Transparency and Access to Information. The outcomes of these requests for information are summarized in Table 2.1. I initially requested the following for the time period following the evictions in the Historic City Centre of Lima (2002-2009): municipal press releases, municipal council agendas and/or meeting minutes from the council, By-Laws, Decrees, Council Accords and other Legal Acts/Norms, and antecedents (i.e., reports and other documents that help substantiate the enactment of a law) of By-Laws and/or Decrees. This search was widened to current legal norms (i.e., in force) and relevant legal norms and municipal documents. My search for older government documents was possible through the website of *El Peruano*, the national

government newspaper that prints laws from all government levels and government institutions. Their archive begins in 1996 and is complete<sup>8</sup> to the present date.

The choice of the municipalities for Access to Information requests primarily reflects my interest in how neoliberal logics and practices in regulating street vendors have expanded to *los conos*. With the exception of La Victoria, Surquillo, and Metropolitan Lima all of the municipalities I visited were part of *los conos*. I chose to request information about the District Municipalities of La Victoria and Surquillo as both municipalities were known publicly to have performed evictions on informal vendors (see *En Surquillo comenzó demolición de 150 puestos de venta construidos en área destinada a parque*, 2007, URL; *Ambulantes exigen reubicación*, 2008, URL) and I wanted to analyze for neoliberal logics and practices in these regulations. Further, both of the offices of these municipalities were located near transfer points to districts that I visited<sup>9</sup>, so they were convenient to include in my study. In the case of Metropolitan Lima there were two reasons for requesting information. First, I was interested in what regulations were passed and if any interventions occurred after the evictions in the Historic City Centre of Lima and outlying areas. Second, the Municipality of Metropolitan Lima has two functions that are relevant to my study: it acts as a District Municipality and thus regulates street vending (including evictions), and prepares and executes district development strategies, and it acts as a Metropolitan government and as such can regulate street vendors across all districts (see By-Law

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<sup>8</sup> All By-Laws and Decrees are published in *El Peruano*. In some cases, municipalities omit publishing Resolutions and Council Accords.

<sup>9</sup> The District Municipality of Surquillo is located near one of the public transit transfer points to *Cono Sur*. The Municipality of La Victoria is located just outside the city centre and roughly six city blocks from a popular transportation transfer point that I used daily.

002-1985-MML) as well as the use of major public thoroughfares<sup>10</sup> (see By-Law 341-2001-MML).

**Table 2.1.** A comprehensive list of the Access to Information Requests by municipality including what was solicited and what the response was. The municipalities listed in the first column that are in **bold** and underlined are primarily used for the research.

Name of Municipality	Solicited	Response
Ate	<b>First Request</b> (I was requested to separate it into three parts): (1) Municipal Council minutes and meeting agendas; (2) By-Laws and their Antecedents, Council Accords, Acts, and Decrees; (3) Municipal press releases (June 3, 2009)	<p>I received three very clear responses by June 10, 2009 regarding each individual part of the request.</p> <p>(1) The municipality claims that no such information exists, and further, <i><b>in the case that the entity (municipality) is not obliged to give out such information by Law it may inform the party requesting the information requested does not exist</b></i> (according to Article 13 of Supreme Decree 043-2002-PCM, <i>my emphasis</i>).</p> <p>(2) The By-Laws and Decrees requested can be found online on the municipality's website (with no mention of the Antecedents).</p> <p>(3) The requested information does not exist.</p> <p>Given the limited availability of information, and the fact that I had seen Municipal meeting agendas made available publicly in other municipalities, I decided not to pursue this request further.</p>
Carabayllo	<b>First Request:</b> Municipal press releases; Municipal Council agendas and meeting minutes; Legal norms (By-Laws, Council Accords, Decrees, etc.); Antecedents of By-	I revoked the request after visiting the municipality twice to inquire about the status. On the second visit, June 15, 2009, I visited directly with the personnel in charge of

<sup>10</sup> All the districts I discuss in detail have major thoroughfares regulated by the Municipality of Metropolitan Lima. As well, the informal markets of Caquetá in San Martín de Porres and *La Chancheria* in Villa El Salvador are located in and adjacent to thoroughfares regulated by By-Law 341-2001-MML.



	Laws only (May 29, 2009)	<p>processing the solicitation. It was still in their inbox. At that moment I informed them that I would not be returning for the information.</p> <p>Furthermore, the District of Carabayllo is in the outer part of Cono Norte of Lima, which was a great distance from where I lived (approximately 100 minutes in bus). It was a very unfamiliar part of the city for me and I did not feel comfortable when I travelled alone to the municipal offices.</p>
<u>Comas</u>	<p><b>First Request:</b> Municipal press releases; Municipal Council agendas and meeting minutes; Legal norms (By-Laws, Council Accords, Decrees, etc.); Antecedents of By-Laws only (May 29, 2009)</p> <p><b>Second Request</b> (presented as a clarification of the first request): ten different Acts of municipal council sessions; reports; Antecedents of nine different resolutions, Decrees, and By-Laws (July 20, 2009)</p> <p>Third Request: By-Laws 092-2003-C/MC, 180-2005-C/MC, 245-2007-C/MC with their Antecedents; Decree 10-2004-A/MC with Antecedents (August 3, 2009)</p>	<p>The first request was partially fulfilled; some By-Laws were received (none with Antecedents or municipal minutes or agendas corresponding to them), and the municipal press releases were quite different than what I had anticipated as they were closer to NGO drafted reports and statistics (including one pertaining to poverty levels and district population sizes in Lima). I informally received a 2005 diagnostic of informal vending in Comas when this request was processed.</p> <p>The second request was partially fulfilled as I received seven of the municipal council session minutes, but not all reports and antecedents were received. I was directed to request some reports from the sub-Agency of Enterprise Promotion and Employment in the office of Economic Development, and I received two there informally.</p> <p>The third request was not responded to by the municipality.</p>
El Agustino	<b>First Request:</b> Municipal press releases; Municipal Council agendas and meeting minutes; Legal norms (By-Laws, Council Accords, Decrees, etc.); Antecedents (June 3, 2009)	<p>I received very little attention from this municipality despite contacting them a number of times by phone and in-person. Three weeks after the making the request I received an email prompting me to go to the webpage to gather information. Further, the contact person I was given attended me in very informal settings (in the waiting area) and did not allow me access to speak with those managing my request. I decided it was not worth pursuing four weeks after starting the request.</p>
<u>Independencia</u>	<b>First Request:</b> Municipal press releases; Municipal Council agendas and meeting minutes; Legal norms (By-Laws, Council Accords, Decrees, etc.); Antecedents of By-	<p>For the first request I received three Decrees and two By-Laws through the formal process. I was also introduced to a technician in the Office of Economic Development, who proceeded to assist me with what I should look</p>

	<p>Laws only (May 29, 2009)</p> <p><b>Second Request:</b> Municipal Council minutes for each session that discusses informal vending, and; the Regulation of the Application of Sanctions (RAS) and the Table of Infractions and Sanctions (CUIS; June 24, 2009)</p> <p><b>Third Request</b> (three parts): (1) By-Laws 082-2004-MDI, 102-2005-MDI, 176-2008-MDI and their respective Antecedents and municipal council minutes, and Decrees 004-2005-MDI, 005-2005-MDI, 006-2005-MDI, and 007-2005-MDI and their respective antecedents; (2) Reports 08-2003-SGRTR/GR/MDI, 13-2003-SGRTR/GR/MDI and 335-2003-SGRTR/GDR/MDI; (3) Dictation 02-2005/CDELC/MDI, and Reports 2002-2005-DPAECDC/GDEL/MDI, 082-2007-GDEL/MDI, and 168-2008-GDEL/MDI (July 24, 2009)</p>	<p>for, and later introduced me to a technician in the Office of Institutional Image, who provided me with a 2008 Diagnostic on street vending, press releases, two magazines/reviews, and contact names for workers in other municipalities (Oscar Caceretes in Villa Maria del Triunfo and Julio Alzola in Metropolitan Lima).</p> <p>The second request was partially fulfilled. I requested they only consider the latter part of the request for the RAS and CUIS and that I would draft another request for the Municipal Council session minutes. The latter part of the request was fully realized.</p> <p>The second part of third request was addressed by the municipality. I received Reports 08-2003-SGRTR/GR/MDI and 13-2003-SGRTR/GDR/MDI (335-2003-SGRTR/GR/MDI was lost). No other part of this request was addressed.</p>
La Victoria	<p><b>First Request:</b> Municipal press releases; Municipal Council agendas and meeting minutes; Legal norms (By-Laws, Council Accords, Decrees, etc.); Antecedents (May 28, 2009)</p>	<p>A week after placing my request I met with the Secretary General of La Victoria Jorge Andujar (June 10, 2009). He informed me of the relevant By-Laws and claimed that the request would be sent to the relevant sub-agencies of the municipality. I was then passed to the manager of Institutional Image/Public Relations, Fernando Llamosas, informed me that all the information from the previous administration had been erased and provided me with two magazines published in 2009.</p> <p>Upon reviewing the information that Mr. Andujar gave me, I cross-referenced with the Municipal website. The information he provided me was already public. I received no further communications about the status of my request.</p>
<u>Metropolitan Lima/ Cercado de Lima</u>	<p><b>First Request:</b> Municipal press releases; Municipal Council agendas and meeting minutes; Metropolitan Assembly agendas and meeting minutes; Legal norms (By-Laws, Council Accords, Decrees, etc.); Antecedents (May 28, 2009)</p> <p><b>Second Request</b> (two parts): (1) Request a meeting with Luis Gayoso, Manager of the Office of Business Development; (2) Request</p>	<p>I received National Laws pertaining to the regulation of health and safety of marketplaces and privatization of public marketplaces, and zoning regulations for the Historic City Centre and regulations of street vendors dating from 1985 to 2001 (no Legal Norms that were passed during the period following City Centre evictions). There was only a partial realization of my request.</p>

	<p>a meeting with Julio Alzola, Manager of the Office of Public Relations and Social Communication (June 17, 2009)</p> <p><b>Third Request:</b> Request a meeting with Marcia Montero Lara, Councillor of the Municipality of Metropolitan Lima (June 25, 2009)</p> <p><b>Fourth Request:</b> Seven distinct By-Laws relating to regulation of informal vendors (informed by meetings from second request; July 3, 2009)</p>	<p>In subsequent conversations following the first receipt of documentation, the Public Official responsible for Access to Information requests Tulio Mapelli informed me that I would have to provide specific information of the documents I required. For this reason I needed to solicit meetings with public officials for the sole purpose of asking them what documentation existed. My solicitations yielded audience with three subagencies, of which the only one was available the day I was given access: Denis Bardales Manager of Enterprise Promotion (the other two offices I was given access to the secretaries of the divisions of Formalization and Regulation and Supervision of Public Thoroughfare in the sub-agency of Commercial Authorization). Using my meeting with Denis Bardales, who at one time worked in the sub-agency of Commercial Authorization, I obtained the names of other possible by-laws, some of which were useful (others were inaccurate).</p> <p>I also received a meeting with Julio Alzola, who at first promised that he could deliver the information I asked for and later denied that he made that promise and that he was in charge of municipal press releases.</p> <p>On August I finally spoke with Guillermo Silva, Manager of the Division of Regulation and Supervision of Public Thoroughfares, who immediately provided me with a Resolution for permitting ambulantes for the purpose of Formalization, and a Decree that permits street vending for those with scarce resources.</p>
<b><u>San Juan de Lurigancho</u></b>	<p><b>First Request:</b> Municipal press releases; Municipal Council agendas and meeting minutes; Legal norms (By-Laws, Council Accords, Decrees, etc.); Antecedents of By-Laws only (May 28, 2009)</p> <p><b>Second Request</b> (two requests): (1) Municipal press releases (of different media type); A complaint of an administrative document regarding informal commerce that has been legally resolved, and the Regulation of the</p>	<p>Through the first request I received By-Laws, Decrees, Resolutions, Council Accords and Reports (nine in total). Resolutions and other antecedents could not be obtained through sub-agency offices due to archiving issues and a lack of knowledge in locating documents. Therefore, the clerks in the Secretary General office suggested a second request of a complaint of a regulation which would have all the relevant documents included.</p>

	<p>Application of Sanctions and the Table of Infractions and Sanctions (June 19, 2009)</p>	<p>Both parts of the second request were completed in full, although press releases were only available until 2007 and a few editions were missing. The file I received gave extensive account of the complaints, regulations, and resolutions concerning street vendors in both a district-wide and particular context.</p> <p>I had planned to place a third request for Municipal Council meeting minutes and agendas, but hours-long clerical confusion in processing my S/. 1 charge (which is not sanctioned by Law 27806), and warning that any request for such information would not be realized left me without any further want to process the request.</p>
San Juan de Miraflores	<p><b>First Request</b> (I was requested to separate it into two parts): (1)Municipal press releases and the Antecedents of By-Laws (directed to the Office of Institutional Image); (2) Municipal Council agendas and minutes, and By-Laws, Council Accords, Acts, and Decrees (directed to the Secretary General of the Municipality; June 4, 2009)</p>	<p>For the first request I received no response. For the second request I received three By-Laws, already publicly available, with no Antecedents.</p>
<u>San Martín de Porres</u>	<p><b>First Request:</b> Municipal press releases; Municipal Council agendas and meeting minutes; Legal norms (By-Laws, Council Accords, Decrees, etc.); Antecedents of By-Laws only (June 3, 2009)</p> <p><b>Second Request:</b> A complaint of an administrative document regarding informal commerce that has been legally resolved or a report for an eviction of street vendors executed by the Municipality during the current Administration (June 22, 2009)</p> <p><b>Third Request:</b> A study or a diagnostic report of informal commerce produced by/for the District Municipality of San Martín de Porres (July 9, 2009)</p> <p><b>Fourth Request:</b> By-Law 42-2003-MDSMP and its antecedents and the Act of the municipal session in which it was approved; the antecedents of By-Law 049-2003-MDSMP and the Act of the municipal session in which it was approved; Council Accord 004-2003-MDSMP and its antecedents and the Act of the municipal session in which it was approved; Mayoral Decree 16-2004-MDSMP</p>	<p>The first request resulted in a meeting with Raul Ramos, manager of the Office of Economic Development and Supervision, who gave me access to the Caqueta work plans (one in presentation format and the other in report format), the majority of known By-Laws, Decrees, Council Accord, and some Reports, a Resolution, and the Regulation of the Application of Sanctions (RAS) and the Table of Infractions and Sanctions (CUIS).</p> <p>The second request was not fulfilled.</p> <p>For the third request I received something like a Diagnostic that was used to for a participatory budgeting workshop (without date).</p> <p>The fourth request was almost completely fulfilled with the exception of an error for By-Law 042-2003-MDSMP (instead I received the municipal session for May 27, 2003 where Council Accord 042-2003-MDSMP was discussed).</p> <p>For municipal press releases I received two recent magazines/reviews outside the formal request. Nevertheless, the municipality had</p>

	and its antecedents (July 24, 2009)	numerous press releases on their website – many of them relating to street vending and informality – dated from 2007 to the present.
Santa Anita	<b>First Request:</b> Municipal press releases; Municipal Council agendas and meeting minutes; Legal norms (By-Laws, Council Accords, Decrees, etc.); Antecedents (June 3, 2009)	<p>No press releases available (Sub Agency of Public Relations and Institutional Image); By-Laws (3) and a list of the names of formal and informal vendor associations, including five lists of association members including the names, addresses and national personal identification numbers (DNI) of the members (a violation of the privacy rights of both informal and formal vendors according to Article 15-B of Law 27806).</p> <p>To obtain the information I struggled for six weeks to get the information. With the resistance I received from the office (no fixed period for response, multiple phone calls and visits that ended without guarantees for delivery of information) I decided it would be not worth pursuing given time constraints.</p>
Surquillo	<b>First Request:</b> Municipal press releases; Municipal Council meeting agendas and minutes; Legal norms (By-Laws, Council Accords, Decrees, etc.); Antecedents (June 4, 2009)	After six weeks of receiving no indication that information would be available, and having found out that the solicitations were not in the locations the person managing the document said they would be, I decided that pursuing any further would be futile.
<u>Villa El Salvador</u>	<p><b>First Request:</b> Municipal press releases; Municipal Council agendas and meeting minutes; Legal norms (By-Laws, Council Accords, Decrees, etc.); Antecedents (June 4, 2009)</p> <p><b>Second Request (four parts):</b> (1) A complaint of an administrative document regarding informal commerce that has been legally resolved; a diagnostic about street vending and/or informality and/or marketplaces; studies about street vending or marketplaces; (2) Bulletins, notes, news articles, Municipal press, and other written or visual publications relating to: disorder, reordering or recuperating space; informality; modernization; citizen security and health and safety (directed to the Communications Unit); (3) Copies of the recordings of the Municipal Council sessions that discuss informal commerce (informal markets and itinerant/street vending); (4) the current Regulation of the Application of Sanctions and the Table of Infractions and Sanctions</p>	<p>The first request was partially realized. I received some By-Laws regarding street vending, one Council Accord and a Mayoral Resolution. A combination of feedback from the Secretary General's office and successful responses from other Municipalities gave me some ideas for crafting new requests.</p> <p>The second request for a complaint, diagnostic or studies produced no responsive records. I received a response to my request for both print and visual media, and I have municipal propaganda in video format regarding both the history of the district and citizen security. I also received some bulletins but very few press releases were otherwise available and older press was not archived. I received copies of the recordings of Municipal Council sessions. The tapes are very extensive in length but their quality varies. Lastly, I received the RAS and CUIS when it became available in August 2009.</p> <p>From the third request I received all parts with the exception of the second. The reason for</p>

	<p>when it is available (June 23, 2009)</p> <p><b>Third Request</b> (five parts): (1) Report 256-2008-GDESUR-MVES; (2) Reports 127-2008-PPM-VES and 130-2008-PPM-VES (Public Attorney of the Municipality); (3) The Diagnostic on street vending created by the National Police presented in 2007 known as Report 01-2008-VII-DIRTEPOL-LIDIVTER 1JEF-DIST-VES-0P01 or Document 962-2007-VII-DIRTEPOL-LIDIVTER 1JEF-DIST-VES-0P01 (directed to the Office of Economic Development, who I was told was in possession of it); (4) Office Resolutions 278-2008-GSC/MVES, 286-2008-GSC/MVES, 296-2008-GSC/MVES, 297-2008-GSC/MVES, and 301-2008-GSC/MVES (directed to the Office of Economic Development); (5) Reports 103-2008-MVES/PESC/FDC, 106-2008-MVES/PESC/FDC, and 107-2008-MVES/PESC/FDC (directed to the Office of Economic Development; July 22, 2009)</p>	<p>not receiving the second part was due to the fact it violated Article 15-B of Law 27806. In this case, the documents could reveal the administrative or judicial strategy of the Municipality.</p>
Villa Maria del Triunfo	<p><b>First Request:</b> Municipal press releases; Municipal Council agendas and meeting minutes; Legal norms (By-Laws, Council Accords, Decrees, etc.); Antecedents (June 4, 2009)</p> <p><b>Second Request</b> (two parts): (1) A report for an eviction of street vendors executed by the Municipality during the current Administration; (2) By-Laws and their Antecedents and any debates surrounding them, Reports previous to and in relation to the By-Laws, Council Accords, and the Regulation of the Application of Sanctions and the Table of Infractions and Sanctions (June 19, 2009)</p>	<p>The first request was not responded to, and, given new information received at the offices of San Juan de Lurigancho and Independencia, I cancelled the first request and provided two new requests.</p> <p>I received two mayoral resolutions from the municipality during a discussion with a manager of a sub-agency of the municipality, Oscar Caceretes (I received his contact information from a colleague in charge of Institutional Image in Independencia).</p> <p>My new requests were poorly responded to, and in order to obtain the requested information, which I would have no control over its size, the municipality informed me that I would pay S/. 3.20 per sheet (about \$1.20 CAD in July 2009). Given that the cost contradicted the rules surrounding charges for copying documents, and given that the possible final cost could be around \$100 CAD, I withdrew my solicitation (during this conversation and my subsequent decision the clerk who attended me and worked for the Secretary General stated that the office of the Secretary General was corrupted).</p>

The remaining 11 District Municipalities that I visited to request access to information (i.e., those in *los conos*) were chosen based on their relevance to my research in combination with my familiarity with these districts and the ease of access to them. Four of the municipalities that I requested information from were in *Cono Norte* (Carabayllo, Comas, Independencia and San Martín de Porres), and three municipalities each were in both *Cono Este* (Ate, San Juan de Lurigancho and Santa Anita) and *Cono Sur* (San Juan de Miraflores, Villa El Salvador and Villa María del Triunfo). For *Cono Norte*, my decisions were based on (1) familiarity of the area, (2) time-saving measures, and (3) knowledge of policy changes to informal street vending. Knowledge of the large-scale evictions was an important factor in my choice to visit San Martín de Porres, for example, as the Caquetá area evictions began in 2008 (Pomareda, 2008, URL) and were unfolding during the research period. Aside from being unprecedented for the Caquetá market, which has been appropriated for over 50 years, the evictions were also a part of a strategy for an urban renewal plan and thus highly pertinent to my interests. Of the districts I visited and obtained records from, I narrowed my focus to four district municipalities (Comas, Independencia, San Martín de Porres, and Villa El Salvador) and Cercado de Lima, because they yielded the richest information for my purposes (see Figure 2.1 for details).

There are a number of issues with obtaining the data requested through the Law of Transparency and Access to Information, including institutional differences in archiving and responding to freedom of information requests, the role of actors, and ethical issues surrounding releasing and obtaining information (regarding the latter see “Santa Anita” in Table 2.1). The former two of these issues significantly shaped the responses and thus the data I obtained. The specific practices of different municipalities determine what type of information exists and whether it still exists. Legal norms, municipal council minutes and agendas, antecedents of laws

(i.e., reports, resolutions, memorandums, etc.) are recorded and archived differently (if they are at all)<sup>11</sup>. Standardized requests can produce different results. For example, requesting information in the same way may yield different results, and a request may be denied because it does not specifically match what the municipality has, or does not yield a result due to the institution's modes of archiving. Also, municipalities enact laws using different strategies.<sup>12</sup> Specifically, Antecedents may not exist for many legal norms (i.e., Council Accords), or certain legal norms may not be discussed in a Municipal Council and therefore appear as different forms (i.e., Decrees, Resolutions).

The second notable factor is the role of actors in the municipal framework. Requesting information requires that actors within the municipality facilitate between the inquirer and the information itself, which is filtered through very different legal/technical frameworks of Access to Information as well as the interests of the municipality and the actors handling or authorizing the release of information. These actors, however, were typically the Secretary General and clerks and assistants working for the Secretary General, but in some cases they were clerks in

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<sup>11</sup>In one municipality, San Juan de Lurigancho, the archiving system would not put antecedents with legal norms nor would the relevant sub-agency respond to the request for relevant information. As a strategy to obtain vendor regulations in San Juan de Lurigancho, I had to request a case file of a complaint about street vending that was resolved in order to receive all reports and legal norms pertinent to the issue. When I tried to reproduce my strategy used in San Juan de Lurigancho in other municipalities it rendered no results. In San Martín de Porres requesting antecedents for specific laws rendered a result that included all relevant information (verified by reading the cited laws, reports and resolutions in the specified law), whereas in Comas it did not work. When it came to requesting the minutes for Municipal sessions, the data was readily available in text format for Comas and San Martín de Porres, and in Villa El Salvador it existed in audio format only.

<sup>12</sup>In Comas, a significant number of legal norms to regulate and even formalize and prohibit street vendors were enacted through Council Accords (e.g., Council Accords 23-1996-C/MC, 80-1996 C/MC, 51-1997-C/MC, 52-1997-C/MC, 40-1998-C/MC, 41-1998-C/MC, 30-1999-C/MC, 20-2002-C/MC, 67-2005-C/MC and 28-2007-C/MC). Council Accords require no antecedents to be reviewed but rather they are decisions made by the council. For these laws there was no indication of antecedents. Further, the legitimacy of this method of producing legal norms is questionable for purposes of regulating as Council Accords (*Acuerdos de Consejo*) are designed to either express the agency of the municipality in realizing a particular action, conduct or institutional norm or making a decision of public interest (Article 41, Law 27972, Republic of Perú) but have no function in establishing regulations themselves.



archives, technicians in the Institutional Image offices, and managers of other offices and sub-agencies. In addition to how the actors that handle requests they may also act as facilitators or gatekeepers to the information (Lorimer, 2010). The autonomy of district municipalities, and the protections afforded to municipalities in responding to freedom of information requests, and the variety of strategies to respond to freedom of information requests determined and limited my access to information. The District Municipality of Ate provided a good example of a combination of the strategies and interests of municipal actors with the existing legal/technical framework. They informed me that they had no obligation to provide me with certain information or confirm its existence prior to stating that the information I was looking for did not exist. These short responses, which negated the existence of request documents whilst alluding to the protection of and the will of the Municipality to deny the existence of certain information (which existed elsewhere), deterred me from pursuing requests there. In other municipalities, only certain information was willingly released and there was cooperation to certain degrees. At the District Municipality of Villa El Salvador almost all formally requested information was received with the assistance of clerks with knowledge of and access to the archives. Yet clerks dissuaded me from requesting Antecedents and instead I was encouraged to make requests for particular documents, which I could glean as citations from recently enforced law. Further illustrating how actors working through the legal/technical framework of Access to Information, the only request for documents that was denied pertained to documents that form part of an active judicial process, which would violate Article 15 B of Law 27806. Strategies of “gatekeeping” and avoidance – for reasons unknown – were employed in the District Municipality of Independencia. The only person to whom I could speak regarding the formal responses to requests was the assistant of the Secretary General. This failed to provide answers

as to why sections of my requests were not formally responded to, and protected access to the Secretary General, thus preventing my access to Antecedents of Legal Norms and Municipal Council session minutes. Lastly, access to information was frustrated by the tensions between the autonomy of the Municipality to establish its own rates and the National Law that protects requesters from paying significantly more than the cost of reproduction of data as stated in Law 27806 and its amendments. At the District Municipality of Villa Maria del Triunfo, the cost per sheet for information was irregularly high and deterred me from accessing information as it likely has done to other interested parties.

Another noteworthy issue is the researcher's own limitations in obtaining the desired information (if it exists and if the actors are willing to release it), which includes conveying what the research wants in ways that are comprehensible to actors. I argue that research using Access to Information requests has similar dialectical tensions as suggested by Lorimer (2010) regarding archival research: the desire for the quickest route to the data and the need for technical knowledge of how to request and obtain information. Indeed, my first requests (less the District Municipalities of Ate and San Juan de Miraflores, which intervened and demanded separate requests) manifest this as they contained multiple requests on one form asking for all information that exists on my research topic. The first round of requests provided me with a slightly better understanding of how to request information more effectively given the institutional structure (although institutional differences were still difficult to discern). Feedback both from conversations with municipal actors and the requests themselves informed me of how to improve future requests. In subsequent rounds that municipalities were willing to respond to requests the improved clarity of the requests yielded better responses (see Comas, San Martín de Porres, San Juan de Lurigancho and Villa El Salvador in Table 2.1).

## Map of Metropolitan Lima, Perú and Case Study Districts

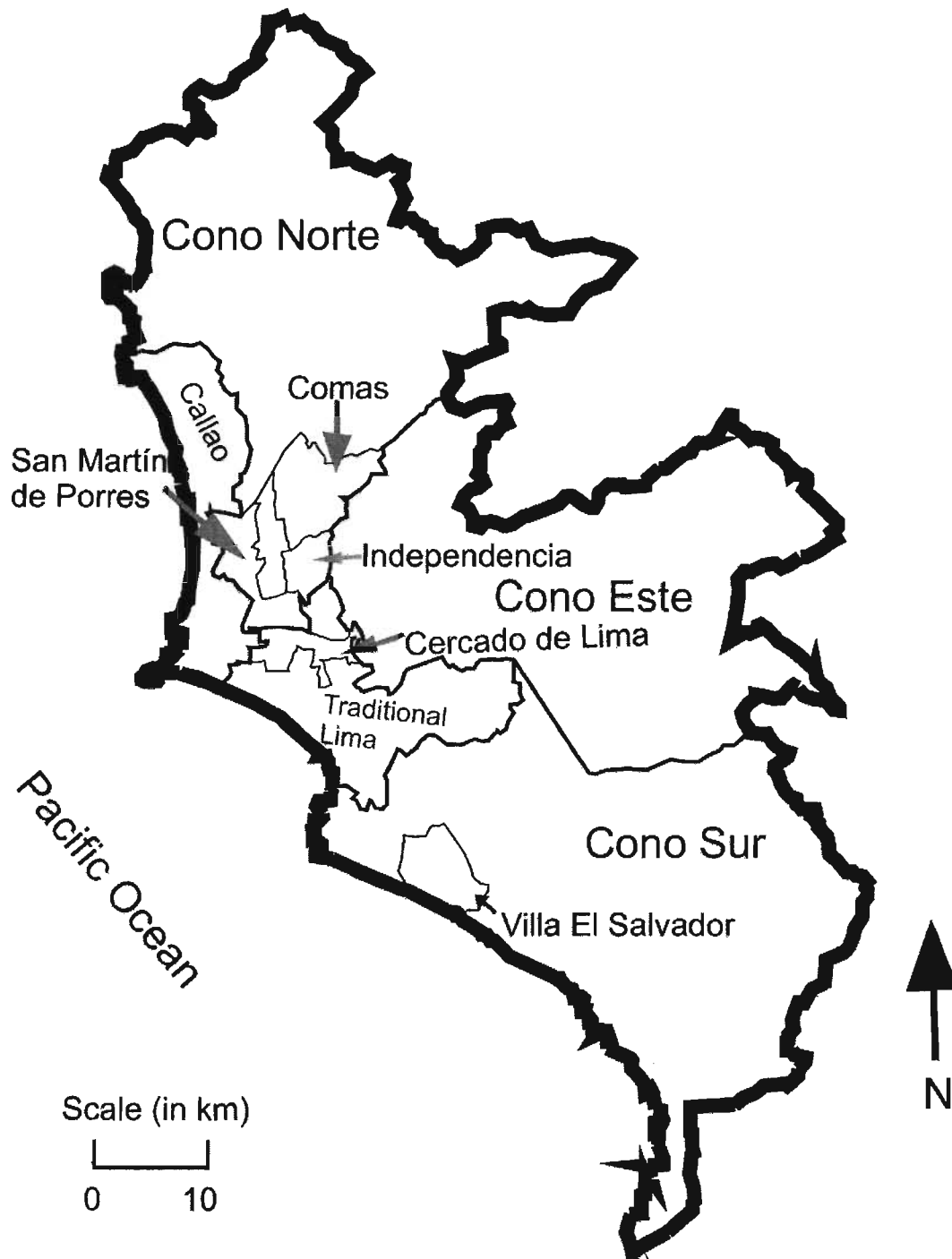


Figure 2.1 A map of Metropolitan Lima that highlights the District Municipalities I include for the case studies.  
(Source: Ian Wood, 2011)

A second set of information, newspaper articles with stories related to informal street vending, were collected both through the Peruvian National Library (*Biblioteca Nacional del Perú*) and using the newspaper websites for *La República* and *El Comercio*. In total, two daily newspapers, *La Primera*<sup>13</sup> and *El Correo*, were reviewed from the period of 2002 to mid-2009, and a paper dedicated to municipal government affairs, *Polemica Municipal*, was also observed for the same period. The other newspapers had little or no internet archiving of news articles before 2005 and data could only be obtained for the periods of 2005 to 2009. Due to time constraints in my research period I could either perform internet searches for the other two news sources or collect as much data as possible in the time available. I chose the former as it could yield quicker results than manual searches and could be performed from anywhere with internet access and Adobe Acrobat or a printer<sup>14</sup>.

In physical newspaper searches I looked for visual and textual cues that would refer to street vending and informality in Perú, and would copy articles broadly. In the writing stage, I then determined what was valuable to use for the research topic. For internet searches, I was limited to a series of words such as *ambulante*, *comercio informal*, *comercio ambulatorio*, *vendedor(es) ambulante(s)*, *desalojo* (eviction) in order to yield the appropriate results.

The newspaper articles retrieved are bits and pieces for this montage in two ways. On one hand they provide context to both the reader and to me (sometimes at the same time, sometimes just to me) regarding the political and social changes regarding street vending in the districts that I have data from. On the other hand, they complement and in part substantiate the

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<sup>13</sup> The first edition of *La Primera* was published in early 2004.

<sup>14</sup> My commute to the new locale of the Peruvian National Library was more than 90 minutes each way. It was located in a part of the city that I did not frequent (San Borja).

arguments regarding Lima's colonial present, violence against street vendors, the securitization of public space, and similar trends of marginalization in other districts of the city.

## **2.4 Conclusion**

The research is both practically and intellectually a montage work. The montage is a product of the contingencies of the research experience and my positionality. First, my concerns with the conditions of street vendors in Peru, my commitment to workers' rights, my sustained engagement with political and urban issues in Lima, Peru, and the construction of my identity and the privileges associated with that construction. Second, the theoretical and intellectual explorations on the topic of street vending under neoliberalism in Lima, Peru, including my interest in workers' rights and political economy. Third, the experiences of finding information to answer questions about street vending in contemporary Lima through the field work. The product, this thesis, is possible precisely because of the exploratory nature of the research, and the possibilities of knowledge production that come from having a critical, pro-street vendor position, and a deep interest in the political, social and urban landscapes of Lima.

## **Chapter 3 – Exclusion at the scale of the street vendor: governing through a locally-embedded version of neoliberal citizenship**

### **3.1 Introduction**

In this chapter I argue how in street vending regulations in contemporary Lima, Perú, neoliberal logics and practices operate at the scale of the street vendor. I demonstrate that governing individuals, producing norms, and compliance in a neoliberal era are changing the face of marginality in contemporary Lima. The dominance of neoliberal discourse has shaped local state policies and practices significantly, and, in turn, has also strongly shaped how an individual's status, and thus belonging, in society is determined by the state. Street vendors' claims for inclusion and belonging through the appropriation of public spaces are especially mediated by Lima's district municipalities, and, more specifically, by the combination of governing strategies such as formalization, conditional authorizations, and eradication schemes that they employ. These strategies are differentiating: they attempt to inculcate street vendors with a neoliberal subjectivity of self-sufficiency in a free market environment, punish them for failure to do so, or provide state support for vendors determined by the municipality to be deserving of it – with rigid conditions that reflect a racist colonial present: a way of thinking and acting that is still influenced by colonial discourses and relations (Gregory, 2004).

First, I provide an overview of the differences between formal and substantive citizenship in order to argue that substantive citizenship – as opposed to formal citizenship under neoliberalism – is preferable. Using the field data I then explain how current district municipal street vending policies attempt to formalize informality through neoliberal logics and practices, thus redrawing the limits between acceptable and unacceptable forms of informality in public spaces, thereby limiting citizenship to formal and neoliberal versions over substantive claims.

Furthermore, I describe how permissive authorizations to use public space are granted based on ability (to participate in the market or by physical and mental abilities), and demand vendors comply with norms of cleanliness and sobriety in order to be citizens in public spaces. With these empirical observations I then conclude that formal and neoliberal citizenship in the context of contemporary Lima first homogenizes and limits the multiplicity of ways one can claim to belong, and second reproduces a racist colonial present.

### **3.2 Formal and Substantive Citizenship**

Formal citizenship is a status of legality and legitimacy granted to a person by a polity. The person receiving that status is recognized as having rights and responsibilities by the state entity (Isin and Turner, 2002; Sassen, 2002). A polity can refer to different scales of the state, yet in terms of citizenship that polity tends to be defined at the scale of the nation-state even despite the expansion of formal citizenship to other scales: from supranational institutions (formed by nation-states) to provinces and municipalities (Sassen, 2002, p. 278). The territory of the nation-state remains the centre of formal citizenship and the producer of the citizen despite reterritorialization and re-orientation of citizenship (Purcell, 2003).

I stress the importance of the relationship of the individual to the nation-state in the production of formal citizenship as suggested in other works that broach the geohistorical legacies of the state in relation to citizenship (see Painter and Philo, 1995; Isin, 2002). Yet I argue that other polities, such as municipalities, also have important roles in producing formal citizenship. The nation-state has been an important nexus of citizenship: the construction of a system of states through the *Treaty of Westphalia* allowed for the stability of territorial claims and the emergence of the nation-state, which permits the question of government to be asked by administrative apparatuses in order to shape and regulate the population, including a legal

arrangement of rights and responsibilities, and to assure the reproduction of the state (Hindess, 2002; Isin and Turner, 2002; Purcell, 2003; Foucault, 2007). Historically, the work of state apparatuses has been to shape the conduct of its citizens according to state rationalities.

These apparatuses may be rescaled institutions of what is now (*ex-post-facto*) the nation-state: for example, the Office of Business Development in the Metropolitan Municipality of Lima. These state apparatuses, regardless of their scale, are possible because of the system of states guarantees – in theory – respect for the sovereignty of a state: all states receive their authority and sovereignty by existing in relation to other states whose sovereignty and authority is also guaranteed (Hindess, 2002). The municipality and its apparatuses are possible through the nation-state, and serve to reproduce the sovereignty which grants these entities their authority.

In order to examine the differences between formal and substantive citizenship, and the inherently problematic nature of formal citizenship, I engage in a geographical and historical analysis of formal citizenship, its production of exclusion and its inadequacies. Such analyses problematize formal and liberal citizenship and elucidate their relationship to colonialism. First, formal citizenship is imagined as a universal mode of citizenship and superior to other modes. Yet formal citizenship as a tradition is inherently Western and reproduces itself in Western discourses: Greek, Roman and medieval European traditions are deemed superior forms of citizenship inherited from the ancient West by the contemporary West (Isin, 2002). The consequence of a Western inheritance of the tradition of citizenship is a conflation of the traditions of citizenship with urban government, which creates a perception of civilization as based in Western urban spaces (Isin, 2002).

Occidental traditions such as liberalism (and, recently, neoliberalism) dependent on state-society relations mediated through state institutions are thus naturalized as the mode of



citizenship of Western society. Furthermore, through the establishment of the nation-state and subsequent processes of liberalization and neoliberalization, they have also become models for citizenship in non-Western spaces. As such, formal citizenship has been and is a cultural imposition that overtakes other forms and practices of citizenship. For example, in Perú, the internal border between Spaniards and “Indians” created by colonization has been reproduced through independence since 1821. The border was reproduced in independence from Spain creating a highly centralized state in metropolitan coastal spaces— *limeño*, urban, and Western — in contrast to a periphery of *andinos* and *amazonicos* located in the interior (Poole, 2004). The distinction has not only produced illegitimacy — and even illegality — for most non-coastal Peruvians and many of those racial and ethnic minorities located in the coast. It also has acted as a pretext for expanding the frontier of the state in problem or strategic locations outside of its reach (Poole, 2004). It is precisely those living in spaces with minimal reach of the state — particularly informals living in Lima — who are othered by various state policies. Those living at the margins of the state’s reach, such as groups like informal vendors, make claims to security and belonging for themselves and their communities<sup>15</sup>, which take on forms that are often as much outside as inside state-society relations (Poole, 2004). Isin (2002) highlights this incongruity between state institutions as the source of citizen-building and governance in urban spaces, and the practices that citizens engage in to make claims to belong in both historically Western and contemporary cities throughout the world, calling into question this mode of citizenship in relation to substantive practices. This incongruity between state-derived

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<sup>15</sup> See for example the informal networks of street vendors that organized to protect themselves from police violence (see Bayat, 2005; Crossa, 2009), or Poole’s (2004) example of the *rondas* of campesinos during the insurgency in 1990.

citizenship – formal citizenship – and the practices of those living within the state-territory elucidates the first problem of colonialist exclusion produced by formal citizenship.

Formal citizenship as universal produces exclusion and oppressive social relations. There is acknowledgement that inclusion produces exclusion (Isin, 2005; Lister, 2007; Staeheli and Mitchell, 2008) and therefore no inclusion can ever be without some exclusion. Nevertheless, there is a difference between particular events that may be exclusionary and processes – such as formal citizenship – that constitute an oppressive permanence in the socio-spatial world (Dikeç, 2001). The geohistorical production of the ideal citizen is a strong example of permanence in exclusion: it includes the European/Western, masculinity and males, the dominant class, ability, and heterosexuality and (at least in part) excludes other bodies and identities. I want to discuss two intersecting ways this oppression is identified: the normative prescriptions for citizenship through the state-territory-identity axis, and the norms of neoliberal citizenship.

The state-territory-identity axis identified by Philo and Painter (1995) suggests a formal citizenship based on a normalized identity of the subject. State-society relations as the basis of this citizenship determine inclusion through who, within a state territory, fits the appropriate identity for citizenship (Painter and Philo, 1995). This logic and practice has produced exclusion through racist legacies of othering in two ways: “them there” and “them here” (Painter and Philo, 1995). In Perú, the effect of these racist legacies is a hierarchical ordering of citizens, which is determined by the proximity of markers of phenotype and discursive practices to European civilization. Those who face exclusion based on markers of identity experience this Otherness of “them there” in their segregation from those who embody European discursive practices and phenotypical markers. The *asentimientos humanos* in *los conos* of Lima are strong examples of this segregation and exclusion created by differentiation of “us here” from “them there”: they are

spaces produced and lived in by historically racialized and ethnically excluded people<sup>16</sup>. Within nation-states spaces dominated by formal citizens and citizenship practices are contested by the presence of the Other, such as street vendors. Nevertheless, these Others are rendered illegitimate by those structures. Lima's *criollo*<sup>17</sup> Mayor Andrade provides a discourse regarding informal vendors that highlights precisely how their appropriation of city centre space by racial and ethnic groups from the Andes was a transgression of national identity and state authority:

When I returned to the centre after a long time... [I felt] my identity had been erased and occupied by someone who had come from a different place. There were cultural values that were not mine... You have to realize that Lima was the capital, the political, cultural, religious centre of the [Spanish] viceroyalty... with very special characteristic[s]. As *limeños* we were concerned with recuperating our identity... [What the informal street vendors and squatters did to the city centre produced] complete lack of authority. (as cited in Gandolfo, 2009, p. 63-4)

As the nation-state identity within territorial limits is transgressed, the historical legacies of Western domination and European identity operate to identify the Other and perpetuate oppression against them. It becomes the right of the state, on behalf of those with Western embodiments, to respond through force, or to make invisible those transgressors. As Painter and Philo (1995) state "them here" often conjures desires of ejecting "them" by "us here". Andrade's response to recuperate the city is based on racist colonial values that are embedded in those whose identities are legitimated by the nation-state identity (in Perú, this identity is a continuation of the colonial past) and who feel threatened by the presence

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<sup>16</sup> Yet it is important to note that sections of *los conos*, especially earlier formed settlements have been able to benefit and grow into middle class districts from better economic conditions in what is – and was – a racist society. Places like *Las Flores* in the District of San Juan de Lurigancho, the District of Los Olivos, and parts of the District of Comas are good examples of exceptional Otherness.

<sup>17</sup> I use *criollo* in the sense of a mixed coastal heritage which may contain elements of European, African and indigenous tradition but historically holding more cultural legitimacy than Afro-Peruvian or indigenous persons (see Aguirre, 2008).

of the Other. Street vendors continue to operate in spaces such as the city centre, but often face issues of legitimacy in their right to be in those spaces.

Formal citizenship is also deeply connected to liberal and neoliberal citizenship as a result of the complementary relationship between the Occidental tradition of the nation-state and liberalism. Colonialism and liberalism intersect and operate together in nation-states that have gained independence from European empires. McKay (2000) argues former colonies that have become nation-states should be understood as liberal projects. According to McKay (2000) these nation-states attempt not only to instil liberalism (even if in variegated forms) on people in the spaces they claim as territory but also to control and contain competing, antithetical and indigenous discourses, those who embody them, and those spaces. The racist nationalist colonial aspects of formal citizenship should be understood as privileging Occidental traditions such as liberalism that have emerged with the nation-state. Furthermore, as Losurdo (2011) demonstrates, liberalism has been a colonial and elitist project that allows for freedom of those who own the means of production while subjecting both the working class and colonized subjects to pseudo-slave conditions. The individual freedoms that are promised by liberal philosophy benefit elite, white males while subjecting the “unfree” to harsh material conditions (Losurdo, 2011). Liberalism’s legacy of subjecting Others to the power of the wealthy and the propertied continues in neoliberalism, as does its legacy of privileging the rights and freedoms of some under formal citizenship.

While classical liberalism as a project is no longer its rationalities have been used to produce a renewal of liberal theory known as neoliberalism. As a political philosophy it is a continuation of the liberal order and is based on classical liberal tenets (liberty, equality, and property) despite being a different project (Jessop, 2002; Plehwe, 2009). The project has been

criticized for its elitist logics and practices, and, I argue, represents a perpetuation of the colonial present: a way of thinking and acting that is still influenced by colonial power (Gregory, 2004). The development of neoliberalism as a political philosophy occurred for decades with material and intellectual support from business elites (Harvey, 2005; Plehwe, 2009). Since the 1970s, neoliberalism has been used as a new mode of capital accumulation for further enrichment and consolidation of class power through the spread of violence, imperialist practices, and enclosure (Harvey, 2005; for more on neoliberalism and enclosure see Chapter Four).

According to Hindess (2002), neoliberal citizenship is a form of formal citizenship that demands a certain docility of citizens in accepting infringements on political and social freedoms for the sake of economic freedoms in an era of global capitalism. Rights produced from the state-society relationships are ultimately compromised on the grounds of proper market function, and states are expected to limit their involvement in politics to good governance practices for the functioning of markets with provisions for minimal and basic (often internationally-determined) rights (e.g., property rights; Hindess, 2002). Indeed, neoliberal citizenship privileges economic freedoms by way of governance to produce competitive market function. This is especially the case in countries like Perú where neoliberal structural adjustment, the Washington Consensus and bilateral free trade agreements configure governments to produce such conditions. As a part of neoliberal citizenship the state must privilege also rights to property in order to ensure the practice of economic freedoms. This requires the violence and exclusion that reflects the colonial past (more on this in Chapter Four).

Classical liberal and neoliberal citizenship produce exclusion based on class, gender, ability, age, sexuality, and race. Marx's critique highlights the classist dimension of liberal citizenship: the (re)production of inequality occurs by favouring the rights to liberty of the

bourgeois, such as the right to own property, over claims for other forms of rights such as collective social rights of the working class, the precariously employed and non-employed poor (Isin and Turner, 2002). For Lister (2002), citizenship depends on how one's identity is shaped by class, gender, sexuality, age, ability and race, and their level of citizenship depends on how they compare to the white male heterosexual construct. Lister (2002) argues that in the liberal definition, a citizen is a subject that is independent and rational and that male individuals approximate this subject as they are imagined as capable of transcending the body. According to Lister (2002), women are constructed as incapable of being disembodied, independent and rational subjects as they are conceived of only as sexual. Furthermore, these logics conceive of Others – by race, ability and age – as sexual in order to further exclude bodies that are not heterosexual, white, male, and abled (Lister, 2002).

This exclusion of Others in neoliberal citizenship occurs as inclusion into liberal subjectivity becomes increasingly partial and premised on exclusion through differences in the colonial present. Legg (2006) describes this as the condemnation-difference paradox: an assertion of the difference of the Other with an insistence that they assimilate, which I argue, is strongly present in liberal forms of citizenship in the colonial past and present. Traditionally, liberalism has been preoccupied with improving the “less-advanced” through governing them into proper liberal citizenship – albeit in practice its actors hold much disdain for these duties to include, and often colonial rationalities and strategies have limited the degree to which liberal subjectivities are developed in colonized Others (Hindess, 2002; Legg, 2006). In the colonial present, racist/nationalist cultures inspired by neoliberal discourses demand that othered bodies become ideal neoliberal subjects. Nevertheless, these cultures attempt to make racism and discriminatory practices invisible by highlighting one's success (or failure) as a competitive,

entrepreneurial being (Laurie and Bonnett, 2002; Roberts and Mahtani, 2010). Yet, in the colonial present, the exclusion of the Other exists regardless of how successful he or she is at transcending it (see Roberts and Mahtani, 2010). In the Peruvian context of exclusion, García and Lucero suggest that by approximating the ideal neoliberal citizen one can only be an “exceptional Other” – more equal than some Others but nevertheless excluded:

[the reason for further exclusion] we suggest [is], in part, due to the ‘double-bind’ that Peruvian racial formation places upon a neoliberal cholo<sup>18</sup>: he is an acceptable Other to the extent that he does not act like the Other, but he can never fully cease to be Other. (García and Lucero, 2008, p. 266)

The impossibility for the difference of Others to be fully erased is not the only marginalizing factor of the liberal model of citizenship: it also fails to acknowledge collective claims for rights, or different rights claims – civil, social, political and economic rights, for example – that are not reducible from its tenets (Isin and Turner, 2002). The exclusionary nature of a narrowly defined ideal liberal citizen based on the autonomous able western bourgeois white male and the differentiation of those who fail to meet that ideal, are the salient weaknesses of the model. But the liberal model of citizenship is not the only problem for more inclusive forms of citizenship. Formal citizenship also fails to guarantee an array of claims for political, economic, cultural and civil rights possible through substantive claims to belong. Holston and Appadurai highlight:

[M]uch of the turmoil of citizenship derives from the following problem: although in theory full access to rights depends on membership [to the nation-state], in practice that which constitutes citizenship is often independent of its formal status. *In other words, formal membership in the nation-state is increasingly neither necessary nor a sufficient condition for substantive citizenship.* (2003, p. 297-8; emphasis added)

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<sup>18</sup> *Cholo* is by-and-large a pejorative term for people of indigenous heritage and one used commonly in Peruvian discourse.

The claims by street vendors to appropriate public space challenge formal citizenship. Not only do the practices of street vendors transfer into claims for economic and social guarantees, they are claims made by predominantly gendered, racialized and classed Others to collective rights. Thus their claims for inclusion and their everyday life practices are antithetical to liberalism. Sevenhuijzen suggests that people who do not approximate the dominant liberal subjectivity hold responsibilities not just to themselves but also to other people: they are imbricated in relationships of dependency because they both care for and are cared for by others (2000, as cited in Lister, 2002, p. 197). Street vendors are thickly embedded in relationships of dependency and collectivism not just in their workplaces (see Bayat, 2004; Crossa, 2009) but also in their homes. As municipal diagnostic reports show (created by the very polities that attempt to produce vendors as liberal subjects!) street vendors are predominately female, often from Andean origins, and live in situations of poverty with responsibilities to kin whether as a primary caretaker or as a part of a household (Municipalidad Distrital de Comas, 2005; Municipalidad Distrital de Independencia, 2008). They are excluded by the racist logics of liberalism, and struggle for inclusion and belonging in conditions different than those of neoliberal citizenship.

Street vendor's appropriation of public spaces effectively challenges formal citizenship and exercises substantive citizenship. Substantive citizenship challenges the inflexibility and the exclusionary logics and practices of the combination of formal and liberal citizenship. It does so through a practiced-based approach – claiming rights and guarantees – rather than relying on privileges granted by the state. Substantive citizenship is useful for excluded and oppressed populations in claiming citizenship in the city. Painter and Philo (1995) note that the distinction between spatial practices and practices in space is useful for indicating inclusion or exclusion:



through socio-cultural relations in space (practices in space), certain populations appear invisible – unable to act their identities because of the inability to engage in certain practices – or are relegated to symbolically differentiated spaces. By appropriating spaces (spatial practices) that are deemed for those who are fit for formal citizenship, street vendors make political claims on grounds of the right to difference, right to participation and right to appropriation (Lefebvre, 2002; Purcell, 2003). These insurgent practices of substantive citizenship challenge the homogenizing logics and practices of formal citizenship. Street vendors include themselves in spaces of the city where they may be made invisible (or there are attempts to make them invisible) by those aligned with the dominant racist/nationalist order and where their practices are not welcomed. Street vendors precisely produce the type of city that Berman (1982) envisions is necessary for dialectical change and new possibilities. For Isin (2005) the city is a generator of difference and identity formation, and a site of struggle for space, citizenship and belonging of a multitude of actors. In this sense, vendors exemplify the type of citizenship necessary for heterogeneous spaces like cities, and, in theoretical terms, make claims to (the) right(s) to the city by producing the city in different ways through their participation (Isin, 2002; Mitchell, 2003; Purcell, 2008).

At a more immediate level, vendors' appropriation of space is a claim to security. Roy (2005) suggests claiming public space is a significant claim to right-of-use and economic security, which challenges the promise of the alienable rights to property and the duties of autonomy and rationality in formal liberal citizenship. In practical terms street vendor claims to space may be humble attempts at surviving at or below minimum wage (Municipalidad Distrital de Comas, 2005; Municipalidad Distrital de Independencia, 2008). They are also precisely the

types of activities required for ensuring that individuals, families and communities obtain resources for survival and for visibility in their struggle for those immediate outcomes.

The following sections demonstrate that the homogenizing logics of formal and neoliberal citizenship produce exclusionary outcomes through the concatenation of street vendor policies developed through neoliberal logics and practices. In each section, the colonial legacies are considered as constitutive of those exclusions.

### **3.3 The Production of Formal and Neoliberal Citizenship through Street Vending Policy**

In this section I describe a contextually-embedded version of neoliberalism through examining street vending policy in contemporary Lima, Perú. I explain how street vending policy has been shaped by neoliberal logics and practices, which coincide with modernist logics of total eradication (see Cross, 2000) as well as racist colonial logics and practices, in order to argue that a new marginality is produced through governing, compliance and the production of norms. To elucidate this contextually-embedded neoliberalism I describe three responses to street vending – formalization, temporary permission to occupy public space, and prohibition – that differentiate vendors based on their ability to respond as “neoliberal subjects”.

I use the case studies of San Martín de Porres, Villa El Salvador and Comas to highlight the similarities of neoliberal logics and practices in street vending policy. In particular, I study both the “new” use of eradication as a catalyst to formalization and the lack of economic and social security that emerges from formalization as an answer to street vending. The effects of treating vendors as purely economic subjects, I argue, ignores previous structural inequalities and oppressions and thus reproduces them in a different form when there are failures in formalization strategies. Not only does framing street vendors as economic subjects subject them

to further marginalization through market forces, but it limits their practices of citizenship to those determined by state rationalities under market fundamentalism.

### **3.3.1 San Martín de Porres: The Case of Caquetá**

The District Municipality of San Martín de Porres, from 2002 to the present, has used a combination of eradication, formalization, and some temporary permissive regulations as a strategy. In San Martín de Porres, and mostly in the area of Caquetá (Figure 3.1), formalization is a new strategy alongside decades-old strategies of permissive regulations to appropriate public spaces and eradication schemes<sup>19</sup>. In initial attempts at formalization, schemes were not as elaborate although they advocated that a permanent solution to eradicate street vending would be possible by evicting them from public spaces and offering them assistance to become independent, autonomous entrepreneurs in marketplaces or commercial centres. In early attempts at formalization, such as in 2003, vendors were expected to be in private property marketplaces in a matter of months after the announcement of the first of two by-laws, By-Law 042-2003-MDSMP. The law established prohibited zones in the public spaces of the Caquetá area, and eviction notices were given to all vendors not in the rigid zones of Caquetá. The municipality expected vendors to vacate public spaces within a 90 day grace period and to enter private property to engage in commerce upon the termination of that period (Article 2, By-Law 042-2003-MDSMP; Article 3, By-Law-049-2003-MDSMP).

During this grace period the municipality established a neoliberal rationality to combat street vending. The municipality omitted any reference to socio-cultural or economic structural oppressions that produced the material conditions of street vendors, or that street vending is a

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<sup>19</sup> See By-Law 002-1985-MML; de Soto, 1989 for examples of decades to centuries-old regulations affecting Lima in general: see Council Accord 014-1995-MDSMP; Council Accord 047-1996-MDSMP; Decree 002-1998-MDSMP; Decree 003-1999-MDSMP; Council Accord- 058-2000-MDSMP for example of prohibited zones for street vending that covered portions of San Martín de Porres, mostly in or near Caquetá, in recent years.

day-by-day survival strategy. Yet, it suggested that poverty could be removed if the municipality made the appropriate interventions to make vendors “free” in the market. The municipality claimed that it would “foster the development of social sectors that were naturally dynamic but... caught in a culture of poverty and stuck in their development” (Article 2, By-Law 042-2003-MDSMP). In order to be free in the market the municipality would have to stress that street vendors are “rational market actors” who engage in progressive economic development by being formal “rational economic actors”. In the second of two formalization by-laws from 2003 known as Recuperation of Public Spaces and Development of the Informal Sector (PROMREP, or By-Law 049-2003-MDSMP), the municipality claimed vendors made these claims:

“PROMREP will be implemented... [by] recognizing [street vendors] as economic subjects ... but also, and especially, [by] recuperating [vendors] as formal economic agents incorporated into a program of modernization” (By-Law 049-2003-MDSMP, p. 11)

The municipality perceived that the best way to govern these citizens into prosperity was by providing and securing the right conditions for street vendors to be “rational economic subjects”. It did so in two ways. First, the municipality provided incentives, exonerations, short-term grace periods, distribution of information such as the real estate market and the health and safety of potential buildings to vendor associations (By-Law 049-2003-MDSMP, p. 12). Second, it provided technical and social services, both through the municipality and through NGOs “directed to the integral development of the new businesspeople”: capacity-building (for formalization), business plans, business promotion, marketing, and microcredit financing (By-Law 049-2003-MDSMP, p. 12).

# District Municipality of San Martín de Porres, Lima, Perú

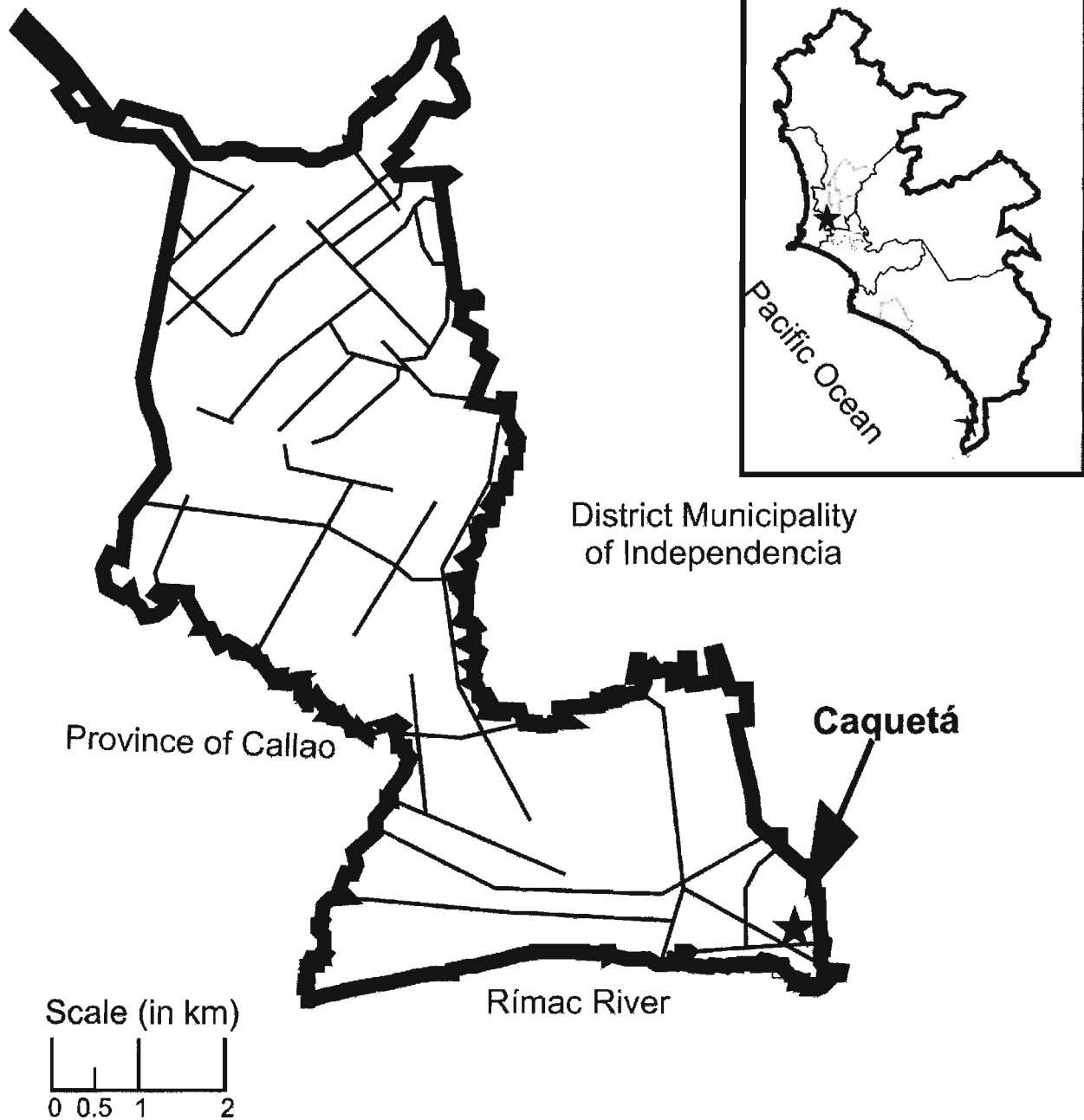


Figure 3.1 A map of the District Municipality of San Martín de Porres with the area of Caquetá identified  
(Source: Ian Wood, 2011)

In order to qualify for these incentives and state/NGO services, which include the grace periods for temporary conditional authorizations to be in public spaces, vendors had to agree to the following conditions: form part of a vendor association, agree to a plan for formalization that included a timeline, and, at the association level, have their leaders join a special mixed committee for street vending administered by the district government (Directorial Resolution 008-2003-DPDL-MDSMP). For associations that complied only with minimum requirements established by the municipality, penalties and corrective actions would be applied for failures to meet conditions of the agreement and time frame requirements. Vendor associations that did not attempt formalization would be eradicated from public spaces (By-Law 049-2003-MDSMP, p. 12; Article 1, Directorial Resolution 008-2003-DPDL-MDSMP).

The transition to formality, and thus to a formal and neoliberal citizenship, produces a series of differentiations that exclude vendors based on their ability to comply. First, street vendors who do not belong to associations are automatically subject to eviction and eradication programs. Second, vendors and their associations have no choice but to comply with formalization measures to receive minimal benefits such as grace periods or face the possibility of eradication. Third, there are consequences to formalization, which remain unstated in the policy. If street vendors fail to meet the conditions of formalization then they face eradication. If, for example, they manage to formalize, then they have accepted the risks and possibilities of failure as autonomous market actors: the only assistance they will receive is technical, and any claims to security beyond the alienable right of property are not possible. To claim rights under formal citizenship is contingent on passing through a series of exclusions built into policy. To avoid punitive measures of the state, vendors have to become governable through vending associations, compliant to municipal policy as a vending association, and successful in achieving

the goals of formalization, which include having sufficient funds to rent market stalls or to pay off loans.

PROMREP, like other earlier formalization attempts, was executed without success. Aside from noting bureaucratic inefficiencies, optimism in timelines, and communication issues with associations, vendors and other agencies, the municipality highlighted that the failure was due to partial vendor and vendor association compliance. The problem of lack of compliance was determined as a problem of attitude of vendors looking to avoid eviction (Report 472-2003-MDSMP/DPDL) without hypothesizing why those attitudes existed. Beyond the cited legal antecedents cited, the municipality claimed that the reason for ratifying a blanket prohibition for street vending in public space 18 months after initiating PROMREP was for reasons of compliance: “the results of PROMREP are minimal and there exists very little will in the informal sector to advance towards formalization” (Decree 016-2004-MDSMP). For reasons of failure to become neoliberal citizens through formalization the municipality mobilized punitive measures: evict street vendors not covered by special rules from all public spaces, demolish their stands and any structures they used for selling, and confiscate their merchandise (Decree 016-2004-MDSMP, Articles 1 and 2).

In 2007, with the new administration<sup>20</sup>, the District Municipality of San Martín de Porres developed a strategy for street vending – particularly for Caquetá – based in eviction schemes. The first example of policy to “eradicate in order to formalize” appeared within three days of the new administration in January: the Office of Economic Development called for an enforcement

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<sup>20</sup> There are no published accounts of attempts at eradicating or formalizing street vendors from 2005 to 2006. Nevertheless, in these two years a series of conflicts internal to the local government occurred; misappropriation of funds implicating the mayor and councillors, and a previous corruption inquiry of the previous mayor became major foci of municipal government energies prior to the termination of that government and the municipal elections of 2006. The district by-laws, council accords and decrees from late 2004 to 2006 of the District Municipality of San Martín de Porres contain details of these issues.

of the technical requirements for regulated and authorized *giros* (types of vendor activities) and eradication of those who did not meet such requirements (Report 022-2007-DCDC/GPDEL/MDSMP). The municipality also began to eradicate street vendors in other areas of the district (not Caquetá) throughout 2007 as part of a formalization plan. It is worth noting that the only strategies publicized by the municipality were, first, the street vendor eradications in the areas of Palao (approximately 100 vendors) in May, Las Margaritas (60 vendors) in June, and El Chaco (hundreds of vendors) in December and, second, the reduction in costs for a provisional business license at S/. 45 (\$17 CAD)<sup>21</sup> instead of S/. 210 (\$75 CAD; Municipalidad Distrital de San Martín de Porres, 2007a, URL; Municipalidad Distrital de San Martín de Porres, 2007b, URL; Municipalidad Distrital de San Martín de Porres, 2007c, URL).

The municipality launched a project in 2008 that focused primarily on evictions in the Caquetá area. The project, known as *Recuperation of Public Spaces*, was designed “to recuperate public spaces illegally appropriated by informal vending in the Caquetá area in order to initiate urban renewal and promote the formalization of vendors” (Report 070-2008-GPDEL-MDSMP). Throughout the 2008 and 2010 period the municipality executed the project. In the “Conglomerate Caquetá Work Plan” (*Plan de Trabajo Conglomerado Caquetá*), both in presentation and text formats (2008-2009?/n.d; Rehabilitation of Caquetá Conglomerate, 2009) the municipality highlighted the goal of the program: three stages of eradication of vendors (Rehabilitation of Caquetá Conglomerate, 2009, p. 4-5).

The role of the municipality in formalization – not evictions – during the project *Recuperation of Public Spaces* was primarily technical and social assistance to vendors that sought it. All actions of recuperation and sustainment worked on the assumption that most

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<sup>21</sup> Conversion \$1 CAD = 2.725 Peruvian Nuevos Soles on September 14, 2010. Taken from <http://www.xe.com>



vendors held access to stalls<sup>22</sup> and that evicted vendors without stalls would access the “sufficient real estate supply that existed in Caquetá” (Rehabilitation of Caquetá Conglomerate, 2009, p. 5; Conglomerate Caquetá Work Plan, 2008-2009). Eviction/eradication and sustainment of action thus became a strategy for encouraging formalization to private property spaces as street vendors would, according to the municipality’s recuperation plan and its actions, have no other place in Caquetá to work (or, ostensibly in any part of San Martín de Porres due to Decree 016-2004-MDSMP). The actions of recuperation and sustained presence of authority of 2008 and 2009, followed by inspections and subsequent eradications in 2010 (Municipalidad Distrital de San Martín de Porres, 2010a, URL), coupled with only some vendors joining formal marketplaces or *centros comerciales* signalled that eradication worked under a rationality of leaving vendors with no other option than to participate in formalization if they continued to work as vendors. The promise of rights and security, especially the right to work, could, according to municipal policies and actions, only be obtained through vendors’ participation as entrepreneurs in the formal economy in private property.

Beyond closing options for vendors to be in public space the level of involvement of this administration in technical and social assistance was selective and based in the goals of

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<sup>22</sup> The claim that most vendors held stalls is contentious and difficult to prove. In the findings in a report in December 2003 by then-Chief of the Department of Formalization and Entrepreneurial Development for the District Municipality, Amilcar Vincuna Fuente, by the end of 2003 only 10-15% of *associated* informal street vendors were believed to own a piece of property in a marketplace or commercial centre. A significantly higher level of property ownership, or access to private property, is claimed as happening “years ago” in a report five years later. In the report, the municipality claims that in the Caquetá Area 80% of street vendors have property to work in, which they acquired years ago (Rehabilitation of Caquetá Conglomerate, 2009, p. 5). The statistics contradict the assumption that all *associated* vendors have somewhere on private property to work in. Given the failures of PROMREP and the crises in the administration, corruption in government offices, illicit appropriation of moneys, which were also acknowledged in the same report, and the “incredulous” and non-cooperative behaviours of the street vendor associations, not just in 2003 as highlighted in Decree 016-2004-MDSMP but also in 2007 according to the report (Rehabilitation of Caquetá Conglomerate, 2009, p. 1) how at least 65% of non-propertied street vendors acquired property during such a short period is not explained either. Further, no reference or calculation of non-associated informal street vendors that appropriate public spaces makes for further difficulties in interpreting the statistics.

neoliberal citizenship. In press releases the municipality suggested that it would assist in entrepreneurial development and formalization only. Throughout the evictions, the official claim of the municipality's role with vendors "[was] to coordinate with street vendor association leaders, and propose economic development of the [Caquetá] area through formalization and urban revaluation" (Municipalidad Distrital de San Martín de Porres, 2009a, URL; Municipalidad Distrital de San Martín de Porres, 2010a, URL; Municipalidad Distrital de San Martín de Porres, 2010b, p. 7). The district municipality offered a series of programs for vendors (and to some degree the public-at-large) that included registration of informal vendors with the municipality, formalization workshops, human capacity development for vendors in formal marketplaces, gender-specific workshops for producers, and marketing and small-business development programs (Municipalidad Distrital de San Martín de Porres, 2009b, URL). These programs were offered for those willing to be governed and gain rights to develop themselves with the necessary human capital development for integration into the formal economy and registration with the government. Otherwise, non-compliance meant the guarantee of punitive measures such as eradication from public spaces. Even for compliant vendors that formalized their practices eradication was imminent if they did not relocate in a timely manner.

### **3.3.2 Villa El Salvador and the Case of La Chanchería**

The contemporary responses of the District Municipality of Villa El Salvador to street vending are similar to those of District Municipality of San Martín de Porres. They include a combination of punitive action for non-compliant street vendors through eviction strategies and a passive approach to formalization with voluntary involvement of compliant vendors. I rely primarily on the case of the commercial axis of Juan Velasco Alvarado and Revolution Avenues, popularly known as *La Chanchería* (Figure 3.2) where, as of 2007, 80% of informal vendors in Villa El

Salvador used public spaces (Report 076-2007-GSC-MVES). The site of *La Chanchería* has been appropriated by different groups of street vendors for over 25 years with some form of permission<sup>23</sup>, although the area was appropriated by even more vendors, including non-associated vendors. All forms of appropriation – permissive and non-permissive – occurred until at least 2008 (see Report 025-2007-CDC-GSC-MVES, item 4; Municipalidad Distrital de Villa El Salvador, 2009, URL).

The municipality had two noteworthy responses to street vending in 2007 and 2008 that focused on eradicating vendors. These eradication schemes were justified for a number of reasons, not just for economic development or to produce formal vendors. The goals were to: “recuperate the principle of authority [in public space]” (Report 025-2007-CDC-GSC-MVES), evade the possibility of high risk of environmental disasters, address insecurity in the street (Report 076-2007-GSC-MVES; Report 001-2008-VII-DIRTEPOL-L-DIVTER-1-JEFDIS-VES-UNINTE) and generate economic development and formalize informal vendors (Article 4, By-Law 164-2008-MVES). The first response was designed to reorder and eradicate vendors that had occupied public spaces in non-regulated areas<sup>24</sup> in order to:

.. contribute to an improvement of conditions of security and prevention in front of the possible occurrence of disasters in the commercial axis of [La Chanchería], to combat delinquency that occurs in the area, and to find an improvement of habitat and living conditions for nearby inhabitants (Report 076-2007-GSC-MVES)

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<sup>23</sup> For example, a relocation of street vendors to *La Chanchería* was initially authorized for 90 days through Mayoral Office Resolution 122-1997-ALC-MVES. Regulated zones for street vending are commonly used since they have been sanctioned in By-Law 002-1985-MML.

<sup>24</sup> Regulated areas, often *campos feriales* or fairgrounds, have been permitted areas for informal vending according to By-Law 002-1985-MML. In this case, given that vendors in *campos feriales* such as *La Chanchería* were deemed in regulated spaces, and no district by-law prohibited their presence in public spaces, no eradication occurred at that time.

Unlike San Martín de Porres, this closure of informal vendor markets and the eradication of all street vendors in public spaces (streets, sidewalks, emergency exits, security areas and so on) had little relationship to formalization strategies despite a similar objective to ensure that “[the occupation of public spaces by street vendors and the dangers they caused] would be a history that should never be repeated” (Report 076-2007-GSC-MVES). The type of exclusion produced by this response has its roots in a larger concern for producing secure public spaces free of some of Lima’s larger perceived problems (at the expense of informal vendors): social insecurity, and the possibility for urban environmental disasters<sup>25</sup>. Arguably, the confluence of neoliberal rationalities with eradication was absent in this case as self-responsibilization, and the subjectification of vendors as *homo aeconomicus* did not appear explicitly in municipal regulations.

In 2008 the municipality passed a comprehensive by-law (By-Law 164-2008-MVES) to regulate all informal street vending activities. This by-law demonstrated the crystallization of neoliberal rationalities into law by prescribing formalization strategies. The municipality sanctioned the eradication of street vendors across the district along with the development of institutional capacity as well as programs to make street vendors formal entrepreneurs and thus neoliberal citizens. The objectives were:

Suggesting proposals that give incentives and promote the formalization of street vendors... through a development plan oriented towards private investment that facilitates the opportunities and new possibilities for entrepreneurial development (Article 2);

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<sup>25</sup> In my undergraduate thesis (Wood, 2007) I highlight that in marketplaces (formal and informal) an environmental disaster is the largest concern in newspaper discourses. Disasters like the fire in Mesa Redonda in December 2001 that left 277 dead and another 247 injured (Arce Palomino, 2008) have produced a collective memory in Lima about the dangers of major axes of market activity.

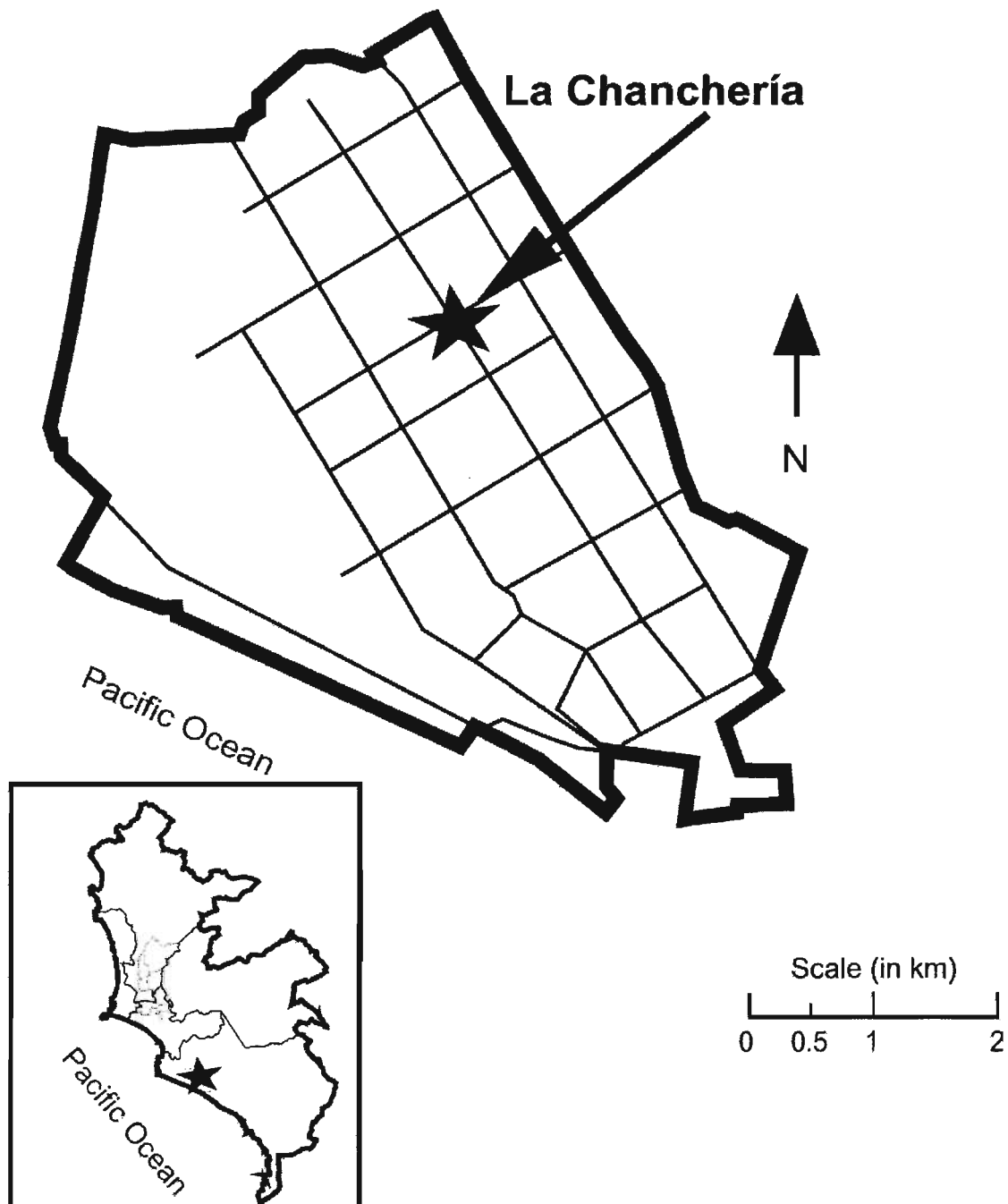
Giving vendors in *La Chanchería* area 90 days to retire from the boulevard and sidewalks in order to improve parks, boardwalks, and buildings (Article 3);

Integrating all the informal vendors clustered in *paraditas* [through] initiating the processes of formalization and commercial management that are required, [thereby] permitting the recuperation of public spaces... (Article 4), and

Creating the appropriate conditions to strengthen [governing] capacity and promote processes for formalization, and opt for definite and formal projects (Article 5).

The municipality had two noteworthy plans for street vendors. Those in *La Chanchería* area would face a situation similar to vendors in Caquetá: an imminent eviction that would ostensibly initiate the process of formalization and relocation to formal markets. Vendors in smaller clusters would be offered assistance to formalize in conjunction with their eviction from public space, although whether the actual plan for these smaller groups would use eviction before relocation remained unclear.

## District Municipality of Villa El Salvador, Lima, Perú



**Figure 3.2** A map of the District Municipality of Villa El Salvador with the area of *La Chanchería* identified.

(Source: Ian Wood, 2011)

Similar to the case of Caquetá in San Martín de Porres, the District Municipality of Villa El Salvador punitively treated vendors in *La Chanchería*. The strategy was to teach vendors that the most effective manner – and the only manner, with little exception – to work is inside a private property market stall that they pay for by forcing them out of public spaces. During the municipality's execution of the *La Chanchería* evictions, communiqués to the public demonstrated that formalization, like in Caquetá, was at best a secondary consideration to recuperation. The municipality articulated that it would act as a facilitator of projects that assist street vendors in purchasing properties, but without giving any guarantees that vendors will have a space to go in order to sell:

Vendors will go to their new property... which they bought with the [facilitation] of the Municipality. Those who are not partners in this project will have to move to their homes and formally begin their commercial activities so that we can give them the necessary facilities [to formalize]. Another option is that they go to a formal market and enter into a partnership there (Municipalidad Distrital de Villa El Salvador, 2009, URL)

Informal vendors were obliged to resolve their informal status by acting like autonomous citizens that proactively or reactively search for market stalls. Either way, a neoliberal version of citizenship was expected by the municipality as vendors were only allowed to claim economic rights as responsible, autonomous subjects within the formally-sanctioned rules of the market. Evictions were assumed to be necessary to produce these types of citizens by removing the possibility of non-sanctioned practices (i.e., informal) in public spaces.

### **3.3.3 Comas and FONTA-COMAS**

The District Municipality of Comas has long used formalization as a strategy to regulate and govern street vendors. At least on paper, the municipality has directly used formalization as the

way in which street vendors (in *campos feriales*, public spaces or as *ambulantes*) comply with conditions for appropriating public space in the long-term. Formalization provides a guarantee for having a place to work until the municipality deems vendors “self-sufficient” and ready for eviction. Institutional legacies have guided the municipality’s response to informality, albeit with some hesitation. During the city centre evictions (1996-2000), the first major occurrence where vendors became responsible for their poverty and had to leave public spaces, the District Municipality of Comas passed a series of resolutions (Council Accord 023-1996-C/MC; Council Accord 08-0-1996-C/MC) that repealed previous rights to use public spaces and to relocate federations and associations of vendors to other public or private spaces (articulated in By-Law 001-1996-SGC-A/MC). It favoured instead formalization (FONTA-COMAS) and temporary and contingent access to the use of public spaces provided that vendors complied with the program (By-Law 009-1997-C/MC; Council Accord 049-1997-C/MC).

The FONTA-COMAS program was designed as a fund in which street vendors would have to make daily payments for the purpose of purchasing or renting a market stall or for formalization costs<sup>26</sup>. In order to access public spaces for street vending, vendor associations – non-associated vendors excluded – had to agree to join the FONTA-COMAS program, and establish a specified period of time necessary to both formalize their businesses and leave public spaces, which would, according to the municipality, treat the problems of relocation and assist in the ordering of street vending activities (Council Accord 049-1997-C/MC Acta de Compromiso; Council Accord 052-1997-C/MC, Article 4).

According to the municipality, the formalization plan using FONTA-COMAS was not successful in achieving wide-scale compliance – even after its reactivation in 2002 (Council

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<sup>26</sup> Informal street vendor association leaders would be responsible for assuring the deposits are made whereas the municipality would be responsible for supervising the process of formalization, including the status of deposits.



Accord 020-2002-C/MC). Similar to the frustrations with the failures of formalization in the District Municipality of San Martín de Porres, Comas used a strategy of eradication in order to push for formalization. The city council, in one session, without technical advice from any other bureaucratic channels, quickly passed a blanket prohibited zone by-law that would cover the entire district of Comas (By-Law 113-2004-C/MC). The blanket prohibited zone was justified as a tool to assist in formalization and to address an eviction of one area where neighbour complaints were made against street vendors. City Councillor Antunez Lopez justified the act as a way of bringing non-compliant vendors and their associations to meet with the municipality's committee for street vending given that vendors apparently had not followed through with their promises to formalize (Act of the Ordinary Session of Council, February 27, 2004, Municipalidad Distrital de Comas, p. 113). Likewise, the Mayor suggested that the by-law would send a message to the street vendors that "their timeframes [for leaving public spaces] are now expired and they need to relocate and take the [issue of formalization] seriously" (Act of the Ordinary Session of Council, February 27, 2004, Municipalidad Distrital de Comas, p. 113). Unlike the legal norms and plans for eradication passed in Villa El Salvador and San Martín de Porres, the municipality's use of eradication policy was, at least in the short-term, a negotiation tool to restart wide-scale dialogue for vendor formalization<sup>27</sup>.

The degree to which non-compliant vendors would be punished was unclear given lack of information in following documents. Nevertheless, it is known that the municipality abandoned using the FONTA-COMAS program for non-compliant vendors (i.e., vendor associations and vendors that did not make monetary deposits into a FONTA-COMAS account). Even after the

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<sup>27</sup> Within six months of the threat of eviction, the municipal government began to renegotiate with the vendor federations and associations on other issues, such as sanitation/health cards for poor formal and informal vendors, demonstrating an interest to ensure safety in street vending over eradication, at least in the short-term (Report 155-2004-S/G SCA-GDA/MC; By-Law 129-2004-C/MC)

reactivation of FONTA-COMAS in 2002, there was an attempt within the administrative level of the municipality to revive the program *for all vendors*. A by-law much like Council Accord 020-2002-C/MC was drafted (see Memorandum 147-2007-GAJ/MC; Memorandum 049-2007-GDE/MC) but never enacted as a legal norm. Instead, the municipality opted for an interinstitutional agreement between the municipality and *La Caja Metropolitana*, an enterprise of the Municipality of Metropolitan Lima designed to encourage savings and offer “popular credit” (i.e., credit for those living in some form of precarity). The conditions of the interinstitutional agreement were limited as they omitted vendors that did not participate in FONTA-COMAS: “[The municipality] will promote and direct the granting of credit [for formalization] through *La Caja Metropolitana* and through their associations *to those vendors who make deposits to FONTA-COMAS*” (Interinstitutional, Cooperation Agreement, 2007, Clause 1/p. 1, emphasis added).

Meanwhile, through the inter-institutional arrangement, the municipality agreed to take a role in facilitating formalization. In order for vendors to access credit products through *La Caja Metropolitana*, the municipality had to assure that there would be a strategic plan for teaching vendors to be self-sufficient formal vendors. This included policies for expanding micro and small entrepreneurial development, capacity-building for vendors entering into formalization, accessory and technical assistance for vendors, joint studies on expanding investment projects directed towards formalization of informal street vendors, assistance in soliciting formalization and registration of private property spaces for vendors, and providing an onsite location for *La Caja Metropolitana* to offer banking and credit products to street vendors<sup>28</sup> (Interinstitutional, Cooperation Agreement, 2007, Clause 4/p.2). As in the case of San Martín de Porres

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<sup>28</sup> Indeed, there is a *Caja Metropolitana* branch located in the municipal office in Comas.

formalization was a project with a series of inclusions for compliant vendors, which held off the threat of the municipality's eradication plans (as articulated in By-Law 113-2004-C/MC).

#### **3.3.4 Reflections on District Municipality Cases on Formalization**

In each municipality, the use of exclusionary and punitive measures alongside technical and social assistance policies to strengthen entrepreneurialism demonstrates precisely what Wacquant (2009) argues is a “new” way of shaping citizenship from above under neoliberalism using four salient logics: re-regulation that favours the market and market-based solutions; the retraction of welfarist policies; individual responsabilization, and the reassertion of authority and the punitive arm of the state. In their own local contexts and at their particular scale, district municipalities share these characteristics Wacquant describes as they produce scenarios “from above” that demand vendors’ compliance in order for vendors to receive the rights and protections of formal neoliberal citizenship. Vendors must respond to market conditions such as local property values, they must adjust to the relegation of former rights to relocation to *campos feriales* and special rights to appropriate space (e.g., By-Law 002-1985-MML), and they must conform to new policies that demand of them property ownership and entrepreneurialism. They become responsible for the conditions of social insecurity produced by a lack of welfarist policies by participating in entrepreneurialism, and, in the case of many vendors, they are subjected to the expansive punitive arm of the state that attempts to produce “order” out of the policy failures of neoliberal economic restructuring policy failures and the subsequent rise of social insecurity.

The modern historical practice of evictions against racialized street vendors, who are deemed by the state to be undesirables in public spaces, meets with neoliberal policy imperatives of responsabilization of vendors who depend on public space for their families’ social

reproduction. The confluence of evictions and formalization produces this new marginality by making it increasingly difficult for vendors to appropriate public space without formalizing. When there are barriers to formalizing that are beyond the scope of government and NGO assistance then street vendors who are not able to take the risks demanded of them face reprisal from the state and either must return to their homes to start a new survival strategy (as suggested by the District Municipality Villa El Salvador) or search for “new” and less invigilated spaces to appropriate for street vending (Bayat, 2004).

Formalization policies can be contrasted with the mounting evidence of exclusion they cause. One noteworthy problem has been pointed out by three entities. The Municipalidad Distrital de Independencia (2008) and NGOs *Centro de Estudios y Promoción del Desarrollo* (desco) and *Alternativa* (2001) have all suggested that the growth in supermarket chains and the aesthetically pleasing environment and lower costs they provide produce conditions that are difficult for vendors to compete with. According to desco and Alternativa (2001) the competition demands higher capital investments in modernizing infrastructure and in marketing from vendors. By probing deeper, the very problem of subjecting street vendors as neoliberal citizens to the rules of the market emerges. Either vendors are not able to formalize as expected of them, or the infrastructure developed by street vendors that can afford to formalize and “compete” in the formal market is hardly competitive enough. A case of relocation in San Martín de Porres highlights the first problem of subjecting vendors to market forces; very few actually make it to the marketplaces. In the Conzac marketplace, a formal market, a total of only 890 informal vendors out of 2500 managed to formalize and relocate; the number that stayed in the market months after relocation was unknown (desco/Alternativa, 2001). Of the vendors who can afford to formalize and relocate, the spaces they can afford are deemed simple and “unattractive” (see

desco/Alternativa, 2001), which disadvantages them as they compete in market conditions of aggressive expansion of corporate-financed commercial centres<sup>29</sup> (Habr   m  s de 100 centros comerciales, 2011 – April 14, URL).

In the local context, treatments of Others as hard-working, progressive, rent-seeking actors has contributed to this problem of expecting formalization to be a major success. Gromprone (1990) suggests that there has been a common belief in intellectual circles and popular discourse that street vendors are successful entrepreneurs that merely operate outside the law. Gromprone (1990) suggests such beliefs overlook the number of ways that marginality, obstacles and oppressions produce survival strategies that are short-term, immediate plans for those living hand-to-mouth. The work that is performed by racialized people surviving day-by-day becomes narrated through imaginaries of them as hard-working labourers of economic progress. When street vendors failure to meet the conditions of the neoliberal subject, produced by masculinist, racist, classist, ableist, and sexually discriminatory accounts of the disembodied rational actor, the same rationality explains those failures in terms of whether or not vendors successfully engage in rational practices of self-interest and competition with their human capital (see Read, 2009).

### **3.4 Conditional Authorizations**

Neoliberal citizenship in Lima disallows the substantive practice of appropriating public space in any way that is not formal. Conditional authorizations become the means through which any use of public space can occur as eviction and formalization strategies are employed. District

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<sup>29</sup> Private investments in commercial centres are planned to increase. Currently, Per   has about 25 large commercial centres. By 2015 this will quadruple to over 100 according to the President of the *Association of Commercial Centres and Entertainment* in Per   (ACCEP; see Habr   m  s de 100 centros comerciales, 2011 – April 14, URL). ACCEP represents multinational and domestic corporations such as Per  ’s richest families the Romero (Grupo Romero), the Wieses (Grupo Wiese), and Chilean real estate company Parque Arauco SA. These commercial centres include the investments of powerful foreign retail corporations such as Cencosud SA.

municipalities grant vendors conditional authorizations - temporary use of public space under stringent regulations – whether as part of a formalization strategy or as state assistance. Such authorizations are used to differentiate based on who can be a proper neoliberal subject – abled – and who is worthy of state support due to inability to participate in the market – disabled. Yet, even when determining who is worthy of support, there have been tendencies under neoliberal logics and practices to treat the “deserving poor” as the “undeserving poor” and thus subject them to scrutiny as though they are truly “abled” and fail to meet the ideal neoliberal citizenship (Chouinard, 2006). Furthermore, these practices unfold through racist colonial mentalities that further attempt to produce bodies in public space that are clean and moral (Sibley, 1995; Swanson, 2007). Among the main dimensions of exclusion that are produced through regulations that follow wide-scale prohibition of being in public space are lack of affiliation with an informal vendor organization, the types of goods and services sold, levels of wealth, definitions of ability and disability, and cleanliness and proper behaviour.

#### **3.4.1 Differentiating Vendors Using Conditional Authorizations**

Outside of formalization strategies most municipalities share a similar two-fold process of exclusion in determining who is appropriate for authorization in public space. First, they require that informal vendors engage in only certain types of street vending activities. Second, they require vendors to be either a part of a limited-sized association or one of a limited number of people who can exercise street vending in public. Third, they differentiate between the deserving and undeserving poor based on categories of ability and wealth; only those who are deemed to be destitute or without options for gaining wealth are allowed to work in public space on the condition they do not breach the conditions of authorization.

The blanket prohibition of street vending in all public spaces in the district San Martín de Porres in 2004 had the ostensible effect of prohibiting all vendors with few exceptions. The remaining permissible street vending activities in San Martín de Porres were the everyday life essentials for social reproduction: selling newspapers, magazines, lotteries and candies, or preparing and selling hot and cold non-alcoholic beverages (By-Law 038-1999-MDSMP; By-Law 032-2001-MDSMP). In By-Law 032-2001-MDSMP, beverage vendors must have been previously organized into a vendor association to be authorized, and furthermore, must have been previously installed in public space (Articles 2 and 17). Likewise, for vendors of newspapers, lotteries, books, candies and similar items, membership to the *Union of Newspaper, Lottery and Magazine Vendors* was a requisite for authorized vending (Article 8, By-Law 038-1999-MDSMP). In order to be authorized in public space, street vendors must demonstrate some degree of disability, whether a physical disability or poverty-as-disability. Preference would be given to individuals who “because of their physical condition, economic resources and/or social situation require this type of subsistence and do not have an additional income” (Article 8, By-Law 038-1999-MDSMP).

Similarly, the District Municipality of Independencia developed a series of regulations that based authorizations on street vendors’ perceived economic capacities and ability to generate wealth. The municipality had already established a blanket prohibition on street vending across the district for all non-authorized vendors (By-Law 009-1999-MDI), which allowed for authorizations to be individualized. First, the municipality used By-Law 035-2002-MDI to differentiate between ability and disability in order to provide authorization. The law permitted people who could present a certificate of their (physically) disabled status and/or a report of their socioeconomic status in order to obtain the necessary authorization to be in public space

(Articles 1 and 3, By-Law 035-2002-MDI). The support program featured relatively little detail of what types of authorizations were allowed or what conditions would be placed on vendors. However, a more comprehensive by-law was passed in 2004 that stipulated which types of street vending activities were permitted. Instead of authorizing vendors based solely on disability, authorizations would be limited to those selling candies, hot non-alcoholic beverages, newspapers and magazines, fruit stands, or offering services such as shoe-shining and key-making (Article 1, By-Law 082-2004-MDI).

Similar to By-Law 035-2002-MDI there were only two ways that vendors could be authorized to be in public space: they had to demonstrate their poverty-as-disability at the individual and familial scale and/or be a person with a physical or mental disability (Article 8, By-Law 082-2004-MDI). The conditions of authorization further restricted poor families from accessing other forms of support from the state and subjected them to further monitoring and recurring evaluations. The conditions stipulated by the municipality were as follows: First, the municipality established its right to determine the number of authorizations throughout the district (Article 9, By-Law 082-2004-MDI). Second, families deemed sufficiently impoverished to receive authorization were allowed only one authorization per family, not to be shared with others, which could be revoked due to any complaint by a community member (Article 5, By-Law 082-2004-MDI). Unlike By-Law 035-2002-MDI vendors were subjected to constant evaluations in order to determine if they were sufficiently disabled to receive support. Third, the authorizations granted by the municipality were provisional for one year, and vendors needed to reapply for authorization by declaring their impoverished status and resubmitting the necessary documents for provisional authorization (Articles 5 and 13, By-Law 082-2004-MDI).



The District Municipality of Villa El Salvador used similar practices as Independencia and San Martín de Porres to differentiate based on economic necessity, type of street vending activity, and level of ability to participate as an ideal neoliberal citizen. The municipality's comprehensive by-law allowed a series of activities highlighted in Article 10<sup>30</sup>, which were temporal in character and available on a probationary and individual basis. In order to qualify for authorization to work in public space, vendors had to demonstrate that street vending is their family's only source of income, that they are over 18 years of age and that they are part of a recognized vendor association (Article 12, By-Law 164-2008-MVES).

The historic practice of excluding vendors from public spaces by using a combination of prohibited zones on select streets, permitted areas (*campos feriales*), licensing fees and "right to work" fees has been replaced by a new set of policies in Lima. Authorizations exist within a policy landscape of blanket prohibitions on street vending which permit municipalities to discriminate who may appropriate space and under what conditions (Roever, 2005). Temporary authorizations under formalization strategies exist alongside permissions that determine which street vendors are worthy of receiving authorization based on the state's determination of their inability to participate as neoliberal citizens. Yet, the regulations reduce the number of ways that street vendors can legally appropriate public spaces outside formalization programs through more intense scrutiny of vendors' lives and more rigid definitions of who can appropriate space.

#### **3.4.2 The Colonial Present in Conditional Authorizations**

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<sup>30</sup> Article 10 of By-Law 164-2008-MVES allows the following sales and services in public space: 1. Newspapers and magazines; 2. Hot beverages; 3. Candies, cakes and breads; 4. Cold, non-alcoholic beverages; 5. Prepared sweets that represent culinary art from the different departments of Perú; 6. Artisanal products; 7. Hotdogs, sandwiches, and limeño cuisine (e.g., anticuchos); 8. Popsicles; 9. Shoeshining, and; 10. Artistic expressions and expositions that contribute to a recuperated image of the district.

In this section I argue that municipalities use racist logics of the colonized Other that idealize public spaces as clean through questioning the cleanliness and sobriety of the Other. Permissive regulations thus are manifestations of the confluence of neoliberal logics and practices with the racist colonial present as they “allow” poor and racialized groups access to state assistance on the conditions they meet Western and bourgeois norms.

Separating the dirt from the individual is perceived as having a moralizing effect (Sibley, 1995). Discourses of the dirtiness of indigenous people prevalent in Andean countries reflect the colonial present in these places. Swanson suggests that the fear of contamination of city spaces has its roots in conceiving of indigenous bodies as diseased or contaminated, which lends to a hygienic racism that idealizes city spaces – particularly in former colonial cities – as clean (2007, p. 717; 2010, p. 17-8) and thus as having a moralizing effect.

The city centre of Lima was “purified” by recuperating the contested landscapes and conceiving of space with a historical-geographical colonial imaginary in order to bring about progress (see Gandolfo, 2009). As Mayor Andrade claimed after the urban renewal project of the historic city centre in *Cercado de Lima*, it was about recuperating a “great city” that was affected by “complete chaos and dirt” of migrants who had “cultural values that were not [*Creole*]” (Gandolfo, 2009, p. 64). This discourse of the dirtiness of street vendors operates in the daily lives of *limeños*. But days after Mayor Andrade’s death on June 19, 2009 the discourse was prevalent in reflections of the legacy of Mayor Andrade. Two newspaper articles highlight the “dirt discourse” in relation to Andrade’s legacy of urban renewal:

The capital of Lima in the 1970s and 1980s was an immense pigsty, full of streets appropriated by itinerant vendors, with barren land (*terrales*)...[in] an atmosphere full of flies given the large quantity of garbage thrown in the streets and thieves in all parts... Andrade, among other things,

beautified and cleaned Lima, [and] reordered... and controlled the plague of itinerant vendors.  
(Adiós Andrade, 2009 – June 20, p. 2)

With [Andrade] the capital began to recuperate order, cleanliness, authority and spirit, as well as clear the public spaces chaotically occupied by informal commerce of many decades. (La Huella de Alberto Andrade, un político digno, 2009 – June 21, p. a6)

In the article *Adios Andrade* written in *Correo*, vendors were represented as a plague that produced dirty conditions – garbage heaps, flies and pigsties – and contributors to the immoral conditions of criminality and disorder. Likewise, cleanliness was portrayed as a product of Andrade's clearing of street vendors from public space during the urban renewal project; street vendors were related to the dirtiness that existed with their presence. On June 20, 2009 an article appeared in *El Comercio* unrelated to the death of Andrade but which nevertheless highlighted how the dirtiness of vendors was part of everyday newspaper discourse and also of state administration. The study by the General Office of Environmental Health (Digesa) of the Ministry of Health (Minsa) stated that the Ministry of Health found 74% of parks in Lima's conurbation "contaminated by parasite eggs, irrigation water of doubtful quality, the presence of rodents, garbage and *itinerant [informal] vending*, which put the health of people that visit these green spaces, especially children, at risk" (El 74% de parques está contaminado, 2009 – June 20, p. a18, emphasis added). Street vendors in public spaces were not just perceived as a moral threat but also a physical threat to the health of citizens, and their removal and containment under these perceptions is a major constituent of street vending policy.

The legal norms of municipalities attempt to contain the dirtiness of colonial Others by assuring their bodily cleanliness and the cleanliness of the spaces they use. Street vendor regulations demand the internal and external cleanliness of the body. The most noteworthy

regulation for internal cleanliness is the requirement of the “health card” for those in the lowly-paid service sector. In 1998, Mayor Andrade passed a by-law obliging all people in Metropolitan Lima that work with the public and handle food for public consumption to hold a “health card”. In order to obtain the card and thus in order to work, all individuals would have to test negative for infectious diseases, and subject themselves to clinical, serological, dental, and tuberculosis exams (food preparers would also have to test negative for a parasitological exam; Article 8, By-Law 141-1998-MML). This Metropolitan-wide regulation affecting primarily low-paid workers has complementary regulations in district municipalities which either assure the internal cleanliness of the body (Article 6, By-Law 009-1999-MDI; Article 4, By-Law 082-2004-MDI; By-Law 032-2001-MDSMP<sup>31</sup>), or provide incentives for the wide-scale acquisition of the “health card” (By-Law 129-2004-C/MC; By-Law 141-2004-C/MC).

The by-laws of the district municipalities demonstrate that vendors are required to have cleanliness of the body, their stall and the spaces they used. The by-laws of the District Municipality of Independencia directly demanded the following: “hygiene of the person, proper conservation and presentation of their workspace [and] cleanliness of the five metre radius around their workspace” (Article 26, By-Law 009-1999-MDI; Article 16, By-Law 082-2004-MDI). In the case of the Municipality of San Martín de Porres, authorized vendors were to “strictly keep the habits of cleanliness and hygiene, as much as for the product [they sell] as for themselves (for men, by having a shaved face and short hair; for women, pulled-back hair with hats, clean hands and short nails, etc.)” (Article 9, By-Law 32-2001-MDSMP). Further, they were obliged to maintain a “minimum level of cleanliness and hygiene in the work area” defined

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<sup>31</sup> The district municipality of Villa El Salvador omits stating the need to hold a health card in By-Law 164-2008-MVES. Also, newspaper vendors regulated by By-Law 39-1999-MDSMP are not obliged to hold the “health card”; they receive a different health test.

by the municipality (Article 10, By-Law 32-2001-MDSMP). In Villa El Salvador, street vendors were obliged to meet a strict uniform requirement and hygiene levels to avoid sanctions or annulations of their authorization: a work outfit consisting of a hat (white in colour), apron or vest, latex or single-use gloves, and a face mask for food sales, and the necessary personal hygiene for the products they are offering (Articles 15 and 36, By-Law 164-2008-MVES). The municipality also stipulated that any module (cart or mobile stand) used by street vendors would have to be maintained in a good state, with cleanliness of the module and its instruments (Article, 27, By-Law 164-2008-MVES).

The comportment of the vendor is also heavily regulated to assure that cleanliness transcends the cultural practices of everyday life of street vendors. In order to avoid loss of authorization vendors must abide by the rules of the municipality as well as social norms. In Independencia, vendors must not “put additional tables, chairs or benches in public space, use more public space than what is allowed... attend the public drunk or under the influence of toxic or hallucinogenic substances, commit acts against morality and proper customs, or against the public order, or use public space or nearby property for physiological necessities” (Article 19, By-Law 082-2004-MDI). Similarly, in Villa El Salvador the municipality prohibits “attending modules in a state of drunkenness, or under the influence of drugs or other toxic substances; provoking public scandals, and not respecting the peace and tranquility of citizens, or; using public spaces, parks, gardens, sidewalks, street shoulders, or other private and unauthorized places for physiological needs” (Article 30, By-Law 164-2008-MVES).

In regulating the cleanliness of vendors, their stalls, the spaces they use and assuring proper comportment, permitting street vendors in public spaces is a manner of assuring the order and morality of public spaces. The perceived danger of street vendors to the cleanliness and

morality of the city is embedded in municipal policies. In some cases street vendors are intentionally spread out across the districts so as to avoid overcrowding and thus over-contamination. In By-Law 032-2002-MDSMP the municipality requires 200 metres between these authorized vendors, and their active avoidance of locations with contamination. All by-laws for permissive regulations specifically state that the presence of street vendors must not offend the aesthetics of the district, or that their regulation is designed to protect the city from losing its beauty (By-Law 038-1999-MDSMP; By-Law 032-2001-MDSMP; By-Law 082-2004-MDI; By-Law 180-2006-C/MC; By-Law 164-2008-MVES).

Despite some permissivity of street vendors in public spaces, their presence is a preoccupation for municipalities; they must be heavily controlled and criminalized should they transgress the order, aesthetics or cleanliness of public space. The permissive regulation of street vendors not only functions with a notable preoccupation for their possible “disordering” and defiling of spaces claimed by those with a dominant identity, but vendors are also heavily scrutinized in a neoliberal era to discern whether they are worthy enough to receive permission to use public space. And they must face stringent rules and a limited number of charitable spaces before they can even appropriate spaces to meet their household needs.

### **3.5 Conclusion**

The cases of the District Municipalities of San Martín de Porres, Villa El Salvador and Comas highlight how claims to rights for street vendors are highly constrained and contested by municipality’s governing attempts to govern vendors as neoliberal citizens. The claims to appropriate public spaces for subsistence activities are challenged by their subjectification as formal citizens with the right to participate in the market through their ability to self-regulate upon acquisition of property. As I have illustrated through the case studies, the spaces of formal

citizenship are the spaces sanctioned by municipalities that inculcate vendors into responsabilization and *homo œconomus* subjectivity. These are accessible in lieu of public spaces, which have since become the sites of differentiation based on ability/disability, racist permissive regulations, and punitive actions against “able” and “non-compliant” street vendors. When vendors fail to meet these conditions, they face a series of regulations that represent the colonial present: attempts to protect “the public” from the possible contamination of street vendors through spatial organization, compliance measures and health tests.

Shaping informal vendors into neoliberal subjects is one form of citizenship that denies other claims to belonging that can be articulated by racialized and differentiated citizens. As shown in the case studies, informal vendors often face multiple moments and spaces of differentiation. First, non-associated vendors are targets for eradication measures and cannot access the formalization processes that are often the only options given to them. Second, associated vendors are subjectified to processes that are designed to inculcate them as subjects in ways that may not be feasible to them, and further fail to acknowledge the structural inequalities produced by capitalist social relations that create precarious work and informality (see Castells and Portes, 1989). As a corollary, third, vendors who fail to fully meet formalization processes are deemed and treated as failures in *being* a responsabilized neoliberal citizen. Ultimately, this means that subjects cannot appropriate public spaces without reprisal (although see Crossa, 2009) nor access *mercados de abastos formales* or *centros comerciales*.

Formal citizenship –neoliberal citizenship in particular – is only one mode of practicing citizenship (Isin and Turner, 2002). The limits to practicing claims to securities and rights – what Roy (2005) acknowledges as the non-property claims that do not fit into the liberal citizenship – are hindrances of the right to difference. In order to imagine different forms of claiming

citizenship, which include the claims of informals, who represent subalterns that are racialized, gendered, classed, abled and sexualized as Others, there needs to be a reimagination of citizenship as based on the right to claim difference that allows for agency, and not exclusion based on structures determined by the dominant Self. As Lister notes, this is the ability to acknowledge an ideal difference: one where a plurality of claims to belonging recognize others' difference without sacrificing the promises of citizenship – inclusion, participation, and equality (2007, p. 52). This includes the spatial promise of the right to make claims – or at least stake claims – in a multiplicity of spaces, and not just what kind of claims to belonging are made (Lister, 2007).

The struggles for claiming substantive citizenship are struggles for belonging amongst a series of claims of multiple groups. Isin (2002) suggests that the struggle for claiming rights to the city – participating, and appropriating the city – is a struggle of multiple fronts, and not just a struggle against property regimes (although for more on the struggle for property see Chapter 4). Indeed, the struggles against formal citizenship pit vendors against the homogenizing logics of liberal citizenship that crystallize social relations around property regimes. Nevertheless, as the claim to belonging in the city also involves the struggles of differentiated groups, such as street vendors, who have both different needs and desires than other differentiated Others, street vendors' claims represent one of the many ways in which the city can be appropriated.

The following chapter continues to discuss the ways that vendors can appropriate space while considering the reorientations of public and private property under neoliberal logics and practices and the challenges produced by those reorientations. The struggle for street vendors' belonging is resistance against formal citizenship under neoliberalism and the exclusion of citizens by neoliberal orientations of property, and collective claims of belonging. These



struggles can be understood in the current context of Lima's street vending policies, which I elucidate on in the following chapters using the research data.

## **Chapter 4 - The Production of Exclusion through Property**

### **4.1 Introduction**

In Chapter Three I discussed the exclusion produced through neoliberal citizenship in order to explore one co-constituent in the production of a new marginality in Lima. Now, based on the argument that there is a new marginality being produced in Lima through neoliberal logics and practices, I examine the role of property relations under those logics and practices in the exclusion of street vendors. This analysis includes acknowledgement of the intersection of the colonial present with neoliberalization in street vending policies, which demonstrates how property relations are being reconfigured and enforced. My main point regarding neoliberalism and property is that the deepening of the ownership model reasserts private property rights as the norm, which is necessary both for governing individuals and for capital accumulation. Property rights under this model also reproduce exclusion based on race, gender and class as the legacies of colonialism intersect with neoliberalism. These exclusions through property reflect liberal versions of social organization and their practices of enclosure, which continue into the present.

Street vending policies featuring neoliberal logics and practices reinforce property relations that discipline the appearance of the racialized poor in public properties while demanding that they move to private properties they may or may not have access to or ownership of (with the problems that become associated with that model as discussed in Chapter Three). They effectively work to enclose on street vendors claims to inclusion and dispossess them of any collective rights. The legitimacy of the ownership model under neoliberalism coalesces with the colonial present. This coalescence reflects the historical relations between racialized and classed groups outside the dominant society. The prevalent logic for enforcing property that

dispossesses reproduces what Aguirre (2008) calls a violence that connects with a system of practices by the state and society of abuses and exterminations of those who are different.

In order to proceed with the discussion I first suggest that property is a social relation that can be struggled over and shaped in order to change its meaning. In this discussion I highlight that dominant property relations can either be challenged through street vendors' claims, or reproduced and deepened through the ownership model – an orientation of property conducive to neoliberalism. I further draw links between the ownership model and its role in producing enclosure – a feature of colonialism, capitalism and neoliberal capitalism in the colonial present that dispossesses people from collectively claimed resources. Second, I provide a foundation for conceiving street vendors' claims to property as claims to common or collective property. I do this in order to contrast them with neoliberal reorientations of public and private property. I then describe public property as existing primarily for the interests of private property, both serving functions of capitalist accumulation and the governing of populations. In the third section I draw from existing scholarship and municipal policy documents to demonstrate that street vendors are represented as violators of the order of property, who belong in private property and rarely in public property, as discussed in Chapter Three. The goal of this empirical discussion is to show how street vendors are increasingly in conflict with the reorientations of property, which is most notable in the incongruency between their claims to common or collective property and the legitimate uses of public property. In the fourth and final section I demonstrate that the dispossession of street vendors from their claims to security occurs through the use of a violence that is both the product of the colonial present and neoliberalism. I argue that there are overzealous policies to punish street vendors for transgressing norms of public property use, and

demonstrate that violence is common and often brutal against street vendors in the public spaces of Lima.

#### **4.2 Property, the Ownership Model, Neoliberalism and the Colonial Past and Present**

Property can be described as both a social relation (i.e., a way that people relate to each other with respect to the use of resources), and also a tangible thing someone holds legal claim to (e.g., “my property”). As a social relation it can be rendered tangible as a result of social relations unfolding in space (Staeheli and Mitchell, 2008), and it determines, given the resources available in society, where people can be, which resources they can enjoy and the quantity of those resources, and the conditions of enjoying those resources. Because property exists as a social relation the current regime of property – “prevailing systems of law, practices, and relations among different properties” (Staeheli and Mitchell, 2008, p. 53) – can be reproduced or contested. Under neoliberal capitalism, the reproduction of the current regime of property has led to punitive and violent logics and practices that have become naturalized, resulting in social exclusion and marginality (see Mitchell, 2003; Herbert and Brown, 2006; Wacquant, 2009). Contesting the current arrangement of property can have inclusive potential if it succeeds in making property open for participation by a diverse community of actors (see Staeheli and Mitchell, 2008; Blomley, 2008). This contestation of property relations aims to make property and thus space available to groups that have traditionally been excluded (more on this in Chapter Five).

Although no production of inclusion is without some form of exclusion (Isin, 2005; Staeheli and Mitchell, 2008), and thus full inclusion is impossible, I maintain that the right to difference in the city requires the struggle to be included (as discussed in Chapter Three). The struggle to be included requires struggle over property as both a tangible thing and as a social

relation. Street vendors as a group facing different forms of oppression – lack of formal legitimacy and differing forms of social, cultural exclusion and economic impoverishment – must struggle over the meanings and practices that produce property. Yet, in neoliberal capitalism the dominant model of property – the ownership model – frustrates those struggles.

Blomley (2005; 2008) reminds us that property as a social relation is taken-for-granted in liberal capitalist societies due to the dominance of the ownership model of property. The ownership model works on the assumption that delimited and discrete spaces can be created as property in order to be owned and controlled by formally recognized single owners who enjoy the right to dispose of it as they please – by excluding others from accessing property, by using it to accumulate wealth, or by selling or trading it (Blomley, 2005). The model is premised on the belief that one's application of labour to land merits right to ownership, as those who are productive deserve exclusive right to the land – in short, they have the right to enclosure (Harris, 2004; Blomley, 2005; Woford, 2007).

The ownership model of property is conducive to neoliberalism in two noteworthy ways. First, capitalist accumulation has historically depended on the ownership model. Neoliberalism is a new strategy for capitalist accumulation as a result of political economic restructuring (Keil, 2002; Harvey, 2005)<sup>32</sup>. Second, the ownership model is a requisite for liberal forms of governing. The institutions of private property ownership and competitive markets are requisites for freedom. According to neoliberal theory, actors must have those institutions in order to realize their self-interest as rational market actors, and freedom is the pursuit of that self-interest (Mount Pelerin Society, N.D., as cited in Harvey, 2005, p. 20). Hamann (2009) argues that this

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<sup>32</sup> In the following chapter I describe the relationship of neoliberalism to urbanism and how street vendors become evicted as urban spaces – including public spaces – become the sites of accumulation strategies, in particular through real-estate (property) markets (see Hackworth, 2007).

freedom – pursuing self-interest in a market society with ownership rights – constitutes the conditions in which subjects are governed and may govern themselves<sup>33</sup>.

The taken-for-granted ownership model in both Western and non-Western spaces, such as Perú, continue to produce physical and symbolic violence. This model would not be possible without enclosure – violent displacements of people by dispossessing them of property, resources and rights that were held in common – in both colonial and capitalist expansion. Capitalism and colonialism have depended on establishing private property rights for accumulation and settling through violent dispossessions of land from its labourers, thereby producing the proletariat and the colonized subject (Marx, [1867] 1999, URL; Harris, 2004). Therein lies an important aspect of the relationship of neoliberalism to the colonial present.

The violence that justifies dispossession under colonialism and capitalism survives. Harvey (2005) suggests that processes of enclosure in early capitalism and colonialism are continuing features in contemporary capitalism known as accumulation by dispossession. Neoliberalism has used strategies such as privatization of the commons in order to dispossess people from collectively held resources. Perú (and Latin America in general) is a site of dispossession in the colonial present – the continuation of colonial logics in the present context – and its confluence with capitalism under neoliberal logics and practices. For many readers the 2009 political crisis in the Peruvian Amazon that garnered international attention resonates as a strong example of neoliberalism operating with the colonial present. In that case the state is

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<sup>33</sup> Forming street vendors into governed and self-governing subjects through private property is central to street vending regulations in contemporary Lima. As I discuss in Chapter 3 formalization is a strategy that demands street vendors be owners of market stalls and thus responsible for preoccupying themselves with generating wealth via their property and entrepreneurial pursuits.

protector the interests of transnational energy consortia by attempting to violently dispossess indigenous Amazonians, privatize them, and sell their resources internationally (see Isla, 2009).

The privatization of the Amazon is one example of the confluence of the colonial present and neoliberal capitalism, which is driving different enclosures occurring throughout Perú in the neoliberal era. The focus of my research is on the process of enclosure in Peruvian cities, particularly in Lima and affecting the urban poor. This enclosure is marked by the deepening of both the privatization of public property and private property ownership, and neocolonial beliefs that support the dispossession of property from the racialized urban poor in public spaces. The following sections show that the hard-fought battles of street vending organizations in the 1980s and the long-standing collective claim to property have been unravelled as a result, and alternative claims to property in Lima's public spaces are increasingly delegitimized.

#### **4.3 Enclosure, Claims to Common Property and Reorientations of Property in an Era of Neoliberalism**

As a theoretical context for analyzing the current process of enclosure in Lima's public spaces, and to understand how exclusion occurs through enforcing property rights, I emphasize that the claims by street vendors must be conceived as outside the traditional public/private divide of liberal economic forms of social ordering (see Weintraub, 1997). Despite neoliberal economist de Soto's claims that street vendors in Lima attempted to gain "special rights of ownership" to space<sup>34</sup> (de Soto, 1989, p. 87), street vendor actions cannot be conceived as entrepreneurial even if their struggles remain framed or textually represented within the dominant discourse of public and private property (see Blomley, 2008). Whether street vendors' appropriations are strongly politically organized, as in the case of Lima's city centre vendor associations of the 1980s, or

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<sup>34</sup> Claiming that vendors tried to become "owners" of space was part of a systemic analysis that treated Andean migrants as capitalist and entrepreneurial. Thus, certain actions of street vendors fit into liberal-based analytical categories such as "private owner".

disparately connected and void of organizational structure as Bayat (2004) describes, they are nevertheless acts of an excluded and marginalized collective that makes claims to spaces that are property in order to meet their needs and manifest their grievances. For Blomley (2008) these claims signify a collective or common claim to property: the right not to be excluded and the right to have a property interest in space. Such claims, Blomley (2008) suggests, challenge the process of enclosure that occurs from the social and spatial ordering through the ownership model. Once we consider the struggle of street vendors to property as collective right to the commons, the enforcement of private property or the presence of private interests in the spaces that are public property are elucidated as enclosing those collective rights.

While public property is primarily discussed in my research due to the fact that regulations of street vendors are for spaces that are public property, it is still necessary to acknowledge how the dominance of the ownership model has operated to exclude street vendors. As I discuss in Chapter Three, formalization deepens the ownership model and builds neoliberal citizens by inculcating vendors into the role of private property owner. Formalization shifts collective rights claims to the right to (private) property. Informality is regulated by local states under these reorientations of public property and private property (see Alsayyad and Roy, 2004). As a consequence, vending in private property is acceptable and vending in public property is largely annihilated.

This enclosure on claims to collective property occurs with the reorientations of public property and private property<sup>35</sup>. While both private property interests and the dominant ownership model produce enclosure, a discussion of public property regulation and its

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<sup>35</sup> By reorientation of public and private property I refer to what Staeheli and Mitchell (2008) describe as shifting property regimes. Property regimes are “prevailing systems of laws, practices, and relations among different properties” (Staeheli and Mitchell, 2008, p. 53).



relationship to enclosure is merited because street vendors primarily make claims to property in spaces such as streets, thoroughfares, sidewalks, alleyways and boulevards (Bromley, 2000; Middleton, 2003; Bromley and Mackie, 2009). These are spaces produced by the state, and formally recognized by the state and society as public property. As well, relocation policies from the 1980s in Lima prescribed moving street vendors to spaces that are public property (By-Law 002-1985-MML; see discussion on permissive regulations in Chapter Three). The spaces that are public property are not just important sites for the struggles of street vendors; they *are* the sites of their struggles.

Public property in states where some form of democracy exists (such as Perú) emerges as a site of the struggles of multiple interests (see Staeheli and Mitchell, 2008). This is a result of the two differing roles of “sovereign” and “landlord” that the state performs. As a consequence, the state must negotiate between these dialectic roles of exercising ownership of property – the right to exclude whichever population it wishes – and governing and adjudicating the use of public property by different groups (or publics) that make claims to it (Staeheli and Mitchell, 2008, p 54-5). The different interests that make claims to space through formal and informal channels are negotiated by the state through the regulation of public property (Staeheli and Mitchell, 2008). For this reason it is possible to conceive of regulations that have favoured the presence of street vendors in public property in the past, such as By-Law 002-1985-MML. Under neoliberal capitalism the interests of private property owners are paramount to regulating public property (and thus public space). This deepening of private property has led to attacks on other interests, such as those of street vendors.

As a feature of classical liberalism and neoliberalism, public property functions as a resource that connects the interests of private property owners (see Blackmar, 2006; Staeheli and

Mitchell, 2008). The state, acting as both “landlord and sovereign” exercises its right to exclude from public property under the dialectics of property shaped by capitalist social relations. The dialectics of property, the pressure on the state to use public property in ways that assist in private property development, investment or appreciation (Staeheli and Mitchell, 2008), shape the claims made by publics like street vendors, especially in redevelopment processes that are characteristic of neoliberal urbanization (see Chapter Five). This tension is a feature not only of neoliberal capitalism but of capitalism in general. Lefebvre (2009) explains that the spaces of public property hold together the diverse and often conflicting interests of private property owners. In doing so, he argues, they create homogenized spaces for circulation of resources and people that connect private interests together with efficacy for the purpose of capital accumulation (Lefebvre, 2009). Public property’s role to connect private properties together for capital accumulation deepens through neoliberalization. As I describe in this chapter and in Chapter Five, neoliberalization leads to the privatization of public property – and of public space.

While public property serves an important function for accumulation as the state acts to homogenize its usage to create competitive market conditions for private property owners, the state also governs the population in order to assure “proper” social order. Although no public property solely serves market functions and private property interests, whether or not non-market activities are sanctioned by the state, there are regulations in the neoliberal era to assure that users are not actively resisting prescribed market uses or creating risks to nearby property. In effect, any threat, such as collective property claims, street vending and other political acts, is antithetical to the prescribed uses of public property. In the neoliberal era, municipal governments regulate public property users to assure that they are passive – sociable and participating in consumerism as part of accumulation strategies (Staeheli and Mitchell, 2008) –

and that such property remains unwelcoming to people or behaviours that transgress prescribed uses (Beckett and Herbert, 2008). This is as much a strategy to control conduct in public property as it is necessary for accumulation in the private property adjacent to it (Beckett and Herbert, 2008). Indeed, formalization and its accompanying eviction strategies are a case of this. In addition to being a strategy for compliance and governing, formalization is a strategy for capital accumulation by ordering those using public property and by encouraging investment (sometimes from street vendors) in adjacent private properties (see Chapter Five).

#### **4.4 Public Property in Lima**

In Chapter Three I emphasized that street vendors in Lima are prohibited from appropriating public space in all contexts. These prohibitions are produced by the homogenization of formal citizenship with neoliberal logics and practices, which are inherently reliant on a reorientation of property towards private ownership and its privileging in public property regulation. The reorientation of public and private property to serve market functions – and the neoliberal citizens that perform their role as entrepreneurs in private property – has been used to trump public spaces as a site of politics and collective claims to property in Lima. This process has been noticeable in Lima with discursive shifts that favour a neoliberal reorientation of public and private property.

Arguments in favour of a neoliberal reorientation of public and private property attack the claims of street vendors and promote the ordering of property for proper social function and capital accumulation. These arguments often employ the idea of public property as a “common good” threatened by the “private” interests of vendors. As Blomley (2008) notes, justifications for the privatization of public property or of protecting private property interests can employ the language of the common or public good. By looking at a series of different logics and practices

in Lima I describe the reorientation of public and private property in Lima, which has led to the primacy of the right to property over both the formal rights to work, and substantive claims to collective rights. In the examples I develop in this section, I demonstrate how this primacy of the right to property comes with discourses that delegitimize, and in some cases vilify, the claims of street vendors. I start with the example of a legalistic reorientation of property, and demonstrate in following examples the relation to discursive shifts in policy and academic circles in Lima.

An important legalistic moment in the reorientation of public and private property occurred through reframing vendor rights to work in public property as secondary to property rights in a constitutional tribunal decision in 2007. Until recently, the state has regulated street vendors as transgressors of public spaces (see de Soto, 1989). Although By-Law 002-1985-MML features some of the same logics of the colonial present such as assuring clean bodies in its conditional permissive authorizations (see Chapter Three), the by-law itself is a product of street vendors' political gains in the 1980s. This by-law has enabled vendors to make claims to use a space in public property for a very small fee (By-Law 002-1985-MML). Street vendors' claims to the "Right to Work" were later granted constitutional protection in Supreme Decree 005-1991-TR and Ministerial Resolution 022-1991-TR (Roever, 2005)<sup>36</sup>.

With the strength of liberal and neoliberal logics and racist and revanchist policies to secure public space (Swanson, 2007), claims to security and inclusion by street vendors have been challenged and rendered illegitimate in academia and in municipal policy. This has been the case since the first wave of urban renewal and the roll-out of neoliberal urban renewal policies in

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<sup>36</sup> Interestingly enough, these protections were granted under the Fujimori government, which unleashed neoliberal reforms with de Soto as its economic advisor in the early 1990s. Fujimori's government was not only legislating protections for street vendors. It also legislated for a deepening of entrepreneurialism and micro-enterprise development (see Roever, 2005).

1996<sup>37</sup>. The pinnacle of these discursive shifts is the subjugation by the “Right to Property” of one of the most important legal tools for street vendors to claim inclusion: the “Right to Work”.

A constitutional court in the city of Arequipa in 2007<sup>38</sup> declared:

through the prohibition [of street vending] there can be an attempt to establish public order, which is understood as order in the streets, [for the] legitimate goal of ... protecting constitutional rights [of free transit, the right to security for neighbourhood dwellers and people from faraway zones, and the right to property] (Constitutional Court of the Republic of Perú 06762-2007-AA)<sup>39</sup>

This court decision crystallized into national law was merely a reflection of what was already occurring on the ground in academic circles and at the level of the municipality: neoliberal logics and practices of property in street vending policy.

de Soto’s belief that street vendors should be performing their activities in private property – and not making claims in public property – proliferated as much in academia as it did in policy circles. In academic policy analysis following the first wave of urban renewal and formalization policies the criticism of street vendors’ claims to property became apparent. Most commonly, they are labelled as disruptions to the “proper” public and private divide of property and are understood to privatize public property. Meanwhile, any action to “recuperate” the property from the claims of street vendors is deemed to make public property more collective. In each example I discuss below once street vendors are removed the authors argue that a common good and collective interest can be established alongside respect for private property rights.

My first example is Dr. Guerrero, a sociologist and a councillor of Metropolitan Lima during the urban renewal campaign of Alberto Andrade Carmona (1996-2002). Guerrero, in her justification for evicting street vendors during the urban renewal scheme, suggests that they

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<sup>37</sup> More on this in Chapter Five.

<sup>38</sup> A typo in the document reads 2006: the decision was made in 2007 from a solicitation in 2006.

<sup>39</sup> Accessible at <http://www.tc.gob.pe/jurisprudencia/2007/06762-2006-AA.html> as of July 9, 2010.

“held distorted images of themselves as people that acquired rights to public areas they had occupied for decades” (1999, p. 129). Her conviction that street vendors illegitimately claim rights to public property (which are also public spaces) was followed by belief that positive social transformation could occur through the establishment of clearly defined property rights as indicated through evicting street vendors from public property. Guerrero highlights the positive results that would follow the removal of vendors: public property would be invested in by private donors, and private property would be heavily invested in as well (1999, 139-141).

This negation of street vendors’ claims to property and their vilification is also featured in a second example: the works of urban studies professor Dr. Chion and urban architect professor Dr. Ludeña Urquizo. Chion and Ludeña Urquizo argue that informal vendors had engaged in activities that transgressed the ordering of public and private property: “conscious of civic rights, [street vendors] became *unscrupulous* characters that believed public space, a common good, was for their personal benefit. *They had taken something that was the property of everyone: the street, public space, and the city*” (2005, p. 167, emphasis added). For Chion and Ludeña Urquizo (2008), this “property of everyone” was achieved through city centre evictions of street vendors and the accompanying private investments in public and private property (and subsequently threatened by By-Laws banning political manifestations in public property regulated for private accumulation). Street vendors’ property claims to be included through their appropriation of space are not considered legitimately “political”. Street vendors are framed as transgressors of a collective good, which they could share if they held private property: “spectators with balcony seats [to the “social theatre” that is public space] would be *former* street vendors who were fortunate enough to relocate locally. They would be barely able to see the action on stage but at least they had seats in the theatre” (Chion and Ludeña Urquizo, 2008, p.

118, emphasis added). With indirect acknowledgement of street vendors' economic ability, which in part explains the difficulties in accessing private property, Chion and Ludeña Urquizo still suggest the "common good of public property" can only be shared by a consuming or tourist public or a property owner or renter. The spaces of public property certainly cannot be conceived as sites of a political struggle for inclusion by street vendors, who lack access to these spaces under neoliberal urbanization<sup>40</sup>.

A third noteworthy example that common interests are established alongside respect for private property rights comes from an NGO/academic/urban planning document for the *Cono Sur* region of Lima (Villa El Salvador). Architects Takano and Tokeshi in their desco publication argue the importance separating street vending activities from public property for proper function of markets and social order. Their goal for the area they studied (*Alameda de Los Jardines*, a boardwalk in Pachacamac, Villa El Salvador) is to generate identifiable spaces for concrete activities for both the community and street vendors (Takano and Tokeshi, 2007, p. 56). According to Takano and Tokeshi, street vendors privatize and non-consensually use public property, which destroys the collective and democratic space of public property and creates inconveniences for formal vendors operating in private properties (2007, p. 58). Yet again street vendors' claims to property are assumed to be contrary to the interest of some majority, and in this case, damaging to the neighbourhood. For Takano and Tokeshi the prescription for the correct use of public property is a "commonly used area" that exists between private commercial properties (including marketplaces) and residents: precisely the type of space required for

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<sup>40</sup>Chion and Ludeña Urquizo (2008) treat political manifestations such as cleaning the Peruvian flag in the plaza as a form of protest against the corruption of the national Fujimori government were deemed legitimate collective uses of property. To paraphrase their claim, the family house patio [social reproduction in private spaces as a form of political representation] could extend to the plaza [public property] when it related to formal politics (Chion and Ludeña Urquizo, 2008, p. 120); however, the table in the houses of street vendors could not.

circulation of people, resources, and capital in support of private property. Eviction of street vendors would become justifiable in order to produce an appropriate social order in public property that would improve the commercial dynamics in private property (see response in fold-out between pages 58-9 in Takano and Tokeshi, 2007).

The conclusions reached in academic circles regarding the reorientations of public and private property also reached policy circles in the municipalities of the case studies I analyze, with similar results of delegitimation of street vendors' claims. As I discuss in Chapter Three, the municipal governments I studied issue some conditional permits to use public property for street vending by those deemed deserving of charity (e.g., Independencia, San Martín de Porres, Villa El Salvador) or on the path to private property through formalization (e.g., Comas). Nevertheless, street vendors' struggles for inclusion through claims to property, including those framed under the "Right to Work", have been challenged and denied through the previously mentioned policy responses: for charity, use of public property is authorized for those deemed worthy; for formalization, use of public property must be temporary and lead to ownership of private property. Municipalities have reinforced the orientations of public and private property that are prescribed by liberal capitalist forms of social organization, and, minor exceptions of charity and formalization programs aside, street vendors are consistently deemed violators of this reorientation of public and private property.

Street vendors became labelled violators of property once formalization was prescribed in the three district municipalities Comas, San Martín de Porres, and Villa El Salvador, and as examples show for Metropolitan Lima/Cercado (see the previous discussion of Guerrero, 1999; Chion and Ludeña Urquiza, 2005). According to the District Municipality of Comas, after the FONTA-Comas program was developed, street vendors created "a permanent violation of



property in neighbourhoods” (Council Accord 023-1996-C/MC); in San Martín de Porres, after the development of PROMREP and the “Recuperation of Public Spaces” program street vendors “generate[d] negative externalities such as... the violation of property rights” (Municipalidad Distrital de San Martín de Porres, 2008, URL). Despite very different strategies for eviction (no large-scale evictions have been implemented in Comas that I know of), both municipalities have deemed vendors violators of property rights once neoliberal logics like formalization enter street vending policies.

Regarding *La Chancheria* in the District Municipality of Villa El Salvador the municipality did not explicitly suggest a violation of property rights prior to their “recuperation” project. They did, however, suggest that street vendors violated the “urbanistic norms” and authorizations of public property and thoroughfares prior to evictions (based on decisions in Administrative Resolutions 283-2008-GSC/MVES and 284-2008-GSC/MVES that cite violations of Report 256-2008-GDESUR-MVES and By-Law 164-2008-MVES). Once the plan for eviction was established the municipality suggested that the street vendors should go to “their property” (Municipalidad Distrital de Villa El Salvador, 2009, URL). The presence of those planning to stay in public spaces became framed as anti-collective, anti-development and disorderly: “public space is for everyone, not for a small few... who do not want order or development for the district” (Municipalidad Distrital de Villa El Salvador, 2009, URL). The municipality began to allude to the differences between private property and the use of public property that is public space. Street vendors belonged in private property (even if they did not have secure access to it, as I show in Chapter Three), but once they “chose” not to access private property they became transgressors of what was necessary for public space – development and order – and enemies of those spaces for allegedly not supporting these tenets.

When municipalities have used temporary conditional authorizations as a strategy for regulating street vending they have done so by qualifying such practices as exceptional and inferior in public property. The District Municipality of Independencia, which reordered informal street vendors in 1997 and 1998, has limited the number of public thoroughfares in which street vending can occur, and since 2004 has made some attempts to remove informal vendors from all public spaces (Municipalidad Distrital de Independencia, 2008, p. 21-2)<sup>41</sup>. Despite this, the municipality permitted some use of public property by street vendors but on the condition that authorizations remained a secondary right to the right of uninhibited transit. The municipality defined public property as “a surface that can exceptionally permit the installation of street vendors provided that the infrastructure [of that area] meets requirements [determined by the municipality] and that the street vendor’s activity does not create an obstacle for vehicular or pedestrian traffic...” (Article 3.3, By-Law 082-2004-MDI). Likewise, the District Municipality of Comas deemed the use of public property exceptional; however, it further prescribed that public property function precisely as it should according to capitalist logics. Article 7 states that “[street vendors with] kiosks or moving modules can locate in areas where [the kiosk’s or module’s] presence does not make difficult the free movement of pedestrians and vehicles, nor damages or frustrates access to private property” (Article 7, By-Law 180-2006-C/MC). Both municipalities give the same prescriptions to regulate people in public property that demonstrate neoliberal logics: uninhibited transit with free circulation of people to private property.

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<sup>41</sup> The details of what actions were performed are somewhat vague in the Diagnostic Report I cite. By-Laws, Decrees and Council Accords, which are available through freedom of information acts, do not always represent municipal practices. In fact, proof of evictions in the form of formal government documents comes from administrative resolutions. The municipalities are not obliged to release these documents (see Table 2.1 and the Supreme Decree 043-2002-PCM)

Neoliberal logics and practices that reorient public and private property have operated in street vending policy in Lima following the city centre (*Cercado de Lima*) urban renewal program starting in 1996. Since then, street vendors are decreasingly legitimate in public spaces. When they do receive temporary conditional authorization, street vendors are subject to colonial-style regulations that disfavour their presence in public spaces. These regulations include those influenced by colonial discourses of inner and outer bodily cleanliness, cleanliness of space, and morality, as well as neoliberal logics such as the requirement to prove one's economic or physical disability, and the responsibility not to persecute the functioning of everyday activities capital accumulation. When street vendors are labelled transgressors of authority and of property rights – as they increasingly are – they are subject to punitive treatments. In the section that follows I examine the latter issue of how street vendors face punitive programs and everyday violence in the brutal public spaces unfolding through the colonial present and neoliberalism.

#### **4.5 The Violence of Neoliberalism and the Colonial Present**

Neoliberal logics and practices operate with colonial power in order to produce violence through practices of enclosure. Those who are marginalized by these practices are noticeably a part of racialized, classed, and gendered groups that have been subjected to colonial violence. In relation to public spaces, the growing social insecurity produced by the roll-out of free-market reforms and the roll-back of social programming (Peck and Tickell, 2002) has led to increasingly punitive treatments of perceived threats to public property (Herbert and Brown, 2006; Katz, 2006; Wacquant, 2009). Accumulation in private property requires protection of private property by controlling nearby and strategic public spaces. “Dangerous populations”, as defined by intersections of race, gender and class, and referring often to informal vendors, are understood as one of the main threats to private property interests (Samara, 2010). Punitive strategies

deliberately target “dangerous populations” in public spaces of the city that are not as passively used by citizens (i.e., spaces that lack the social ordering prescribed by the state; Beckett and Herbert, 2008). As a result, more violent strategies are used where passive use of space is not common, which includes the spaces of street vendors.

The violation of property rights – and thus social ordering deepened by the ownership model – has become grounds for justifying violent acts by the state authority and elements of society that claim to be “protectors of authority” against the socially excluded. This is a result of the confluence of neoliberal logics with the colonial present that produce a present day enclosure on the claims of excluded Others. Like the colonial past, it is both violent and dispossessing.

In Perú, the violence committed against Others based on race, class and gender is often legitimated when Others are suspected of transgressing authority. Violence against indigenous people for such reasons has been legitimate and cruel and this is in part due to the “less-than-human” status of racialized people (see Aguirre, 2008). This symbolic and physical violence from periods of colonialism takes on different forms in the neoliberal era due to the normalization of property ownership. The case of Lay Fung elucidates the confluence of the colonial present and neoliberalism and their relationship to property. In 2006, a guard dog of a parking garage known as Lay Fung killed an “intruder” named Wilson Paredes Quispe, a poor man of Andean background with a criminal past. When news circulated of the death and the scheduled destruction of Lay Fung the public and the state intervened, heralded Lay Fung as a hero, and promoted him to the police force (Garcia and Lucero, 2008). The dog was celebrated for “liquidating a person who was ultimately deemed unworthy of life” (Aguirre, 2008, p. 18-9). The legitimacy of violence towards othered groups that violate authority – in this case property – is apparent through the protection of Lay Fung and his promotion to the police force.

Punitive practices against racial minorities by the state, or on its behalf, are pervasive across Peruvian society. Flores Galindo (1999) has suggested that the violence necessary for the reproduction of authority in the colonial past have not disappeared in the post-colonial republic. Although whipping racial minorities in public space have given way to a more private penal system (Flores Galindo, 1999), acts of punitive justice still occur in public view. Indeed, violations of the order of property, and more generally the violation of authority seems to merit the type of public violence that has been practiced since the Spanish empire through to the racist Republic of Perú. In the present the effects of continuing racist violence in the neoliberal present is what Swanson (2007) identifies as deliberately racist policies that legitimize violent eradications of racialized populations such as indigenous beggars and informal street vendors in public spaces.

The violence experienced by street vendors is often not reported. In this research I have given account of a few of the more publicly-known evictions – *La Chancheria* in Villa El Salvador (2009), Caquetá in San Martín de Porres (2008-2010), and the City Centre Evictions in Cercado de Lima (1996-2002) – to demonstrate how street vending is also targeted using neoliberal logics and practices. Yet unpublicized violent confrontations between municipal police officers (*serenazgo*) and *ambulantes* occur daily throughout Lima<sup>42</sup>. These incidents are rarely-advertised or reported but nevertheless appear. In the following paragraphs I provide examples of the everyday violence experienced by street vendors in public space for

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<sup>42</sup> While waiting to pick up documents from the Municipality of Independencia in July 2009 I witnessed a bandaged-up *serenazgo* being pushed in a wheelchair back to the office building after what appeared to be a violent eviction of informal vendors nearby. As the injured *serenazgo* passed, I witnessed another municipal worker say to the person pushing the *serenazgo* that he should have been taken to the hospital for his injuries. I mention this to highlight that the municipal police working on behalf of the state are subject to the violence of street vending evictions in a different way than vendors – and also in this case an apparent lack of care for their well-being – despite their role in mobilizing state violence.

transgressing authority in both these incidences and in campaigns planned to eradicate street vendors.

Although any intervention by the municipality is performed primarily by *serenazgo*, municipalities take active roles in constructing and setting the tone that justifies them. The zealousness of municipalities to enforce punitive measures is palpable. District Municipality of San Luis Mayor Fransisco Durand Mejía describes the district he governed as surrounded by dangerous zones and threats such as delinquency and street vending, which require intervention by placing more Peruvian National Police (PNP) in public spaces (Montalvo, 2005 – August 12, URL). Although PNP do not usually enforce municipal street vending policy, they may do so through legally-binding orders from municipalities that demonstrate the breach of one or more local legal norms. The Mayor, who could not muster enough physical force to “to close bawdy houses, bars, and marketplaces for stolen cars, and to capture delinquents, drug peddlers and informal vendors” decided to “take justice into his own hands” by dedicating his own energies as mayor (an uncommon practice as they are not his responsibilities) to plan a series of interventions with PNP personnel (Alcalde anuncia que "tomará justicia" con sus manos, 2006 – June 30, URL). The Mayor alluded to popular justice, where people outside of their legal capacity, right some wrong done to society. Durand Mejia’s desires were understood as quite legitimate in a punitive, revanchist era, and represent a very common zeal amongst those holding authority to mobilize violence against street vendors and other transgressors.

A number of municipalities (as well as the PNP) have fostered the production of cruel public spaces for street vendors through their creation of “Robocops” (See Figure 4.1)<sup>43</sup>. These “Robocops” are a highly trained “elite force” dressed in armour and riot gear “always ready to

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<sup>43</sup> “Robocops” is a locally-used term taken from a Hollywood movie, not my own.

intervene when the security or tranquility [of the district] is altered... [by responding to] emergencies, controlling gangs, or eradicating street vendors” (Municipalidad de Jesús María refuerza seguridad con “sereno robocops”, 2008 – October 23, p. 14). This force has been used in multiple municipalities to remove street vendors from public property. One campaign titled “Formality Without Borders” (a multi-district plan to eradicate informal vendors) used “Robocops” to produce “guaranteed success” in on-the-street interventions (Municipalidad Distrital de Ate, 2008, URL). The resulting public spaces become militarized through the increasing integration of municipalities and the PNP<sup>44</sup>, and as *serenazgo* increasingly become armed and trained to use violence in order to intervene in street vending activities.

Although the execution of violence by *serenazgo* often goes unreported, there are a few instances where this violence is reported against medium-sized groups of vendors. During the Christmas season of 2007, informal vendors claiming the “Right to Work” tried for three days to appropriate public spaces in the District Municipality of San Juan de Miraflores. The municipality eventually permitted the informal vendors after failed eviction attempts, which included using water cannons against vendors who were protecting the spaces they appropriated in the middle of the night (Mayo Méndez, 2007 – December 23, p. 12)<sup>45</sup>. Similar violent tactics in the neighbouring district of Santiago de Surco were employed in an act to sustain the recuperation of public space from informal vendors. In that district *serenazgo* shot water and tear gas at 60 vendors to stop them from returning to a space they had earlier claimed (Policías, *serenos y ambulantes se enfrentan por mercado de Surco*, 2005 – January 26, p. 12-3). Less than

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<sup>44</sup> See Buscan mejorar alianzas PNP-municipios, 2010, URL as an example of the increasing demand for integration between the PNP and municipalities. This news article highlights the PNP-municipal accords signed by 15 municipalities (1/3 of Metropolitan Lima’s district municipalities).

<sup>45</sup> The person accounting this violence was a woman with a notably Andean last name – Melchora Huamán – a mother of three who is described as living in the top of a *cerro* (foothill) in Lima.

three weeks before that violent confrontation, *serenazgo* of the District Municipality of San Isidro asphyxiated a street vendor to death who was attempting to retain his merchandise during a medium-scale eviction (Denuncian por homicidio a policía municipal que asfixió a ambulante, 2005 – January 7, p. 12). The outcry from his death was supposed to lead to stricter regulations according to a consensus of mayors (Hay consenso entre alcalde para crear escuela de serenitos, 2005 – January 11, URL).



Figure 4.1 “Robocop *serenazgo*” donned in heavy armour and armed with batons and shields. (Source: Polemica Municipal, 2008)

The violence and impunity that occur in daily interventions against street vendors feature cruel punishments, and no stricter regulations of *serenazgo*’s actions have been implemented. In 2007, an *El Comercio* article featured interviews with some victims of municipal police brutality. A 31 year-old female informal vendor working in Cercado de Lima denounced the Metropolitan Lima *serenazgo* for assaulting her before robbing her of money and merchandise and abandoning her outside the district (Informe: Denuncian abusos de serenazgo contra vendedores ambulantes, 2007 – October 16, URL). Another man in the same area selling shoes for less than minimum wage was assaulted by multiple *serenazgo*, and when a passing-by family verbally confronted the *serenazgo* about the beating, they too were assaulted (Informe: Denuncian abusos de



serenzago contra vendedores ambulantes, 2007 – October 16, URL). The event was a repeat of an earlier incident when a younger man decried the poor treatment by municipal police officers of street vendors selling phone calls, which left him with a haemorrhaged eye after being kicked in the side of the head by an agent (Informe: Denuncian abusos de serenzago contra vendedores ambulantes, 2007 – October 16, URL). The justification by the municipality of the need to commit violence against street vendors was that “although there are some problems the long-term benefits are for everyone” (Informe: Denuncian abusos de serenzago contra vendedores ambulantes, 2007 – October 16, URL).

The enforcement of property has led to violence much like that received by Quispe Paredes under the neoliberalization of street vending regulations. The dominance of the ownership model and its need to be enforced has been justified in the local context, with strict enforcement of public property for the good of everyone. The fact that removing street vendors from public property takes on the forms of allusions to “popular justice”, that it requires highly armoured police officers to commit violence, and that no serious actions are taken on beatings and homicides of street vendors indicates that hyperpunitive violent practices are in fact deemed by some parts of society as necessary to create conditions that are both good for private property and good for society as a whole.

#### **4.5 Conclusion**

Neoliberalism and the colonial present have created a new set of obstacles for street vendors claiming property rights, and appropriating space in Lima, Perú. The obstacles of formalization and eradication policies have made claiming property increasingly difficult for street vendors. As a result, authorizations for use of public property become exceptional and operate alongside punitive interventions against racialized street vendors, which often unfold violently.

Underpinning these policies of formalization, eradication and temporary authorizations are the reorientations of property in neoliberal capitalism, which are a reason for delegitimizing and evicting street vendors from public space.

The reorientations of property have brought enclosure on substantive claims to citizenship – collective claims to property for inclusion, as Blomley (2008) notes. Substantive claims to belonging are disallowed by municipalities as they privilege a formal neoliberal citizenship and “The Right to Property” over the “Right to Work” and other claims to belonging made by street vendors. This process of enclosure is precisely the unravelling of common property claims in order to further the prescriptions of neoliberal social organization – a fundamentalist free market society organized around private property – and to accumulate capital. Enclosure and its exclusionary consequences are more than the ordering of citizens and society under a liberal order; they are also contradictions of contemporary capitalism, as Mitchell (2003) has highlighted. According to Mitchell (2003) the structural inequalities that are produced by neoliberal capitalism create the conditions that make appropriation of public space necessary, and yet for urban renewal schemes that are part of the economic restructuring under neoliberalism, local governments must “annihilate space by law” for groups like street vendors.

Property is a major component of the production of the new marginality in Lima. Yet property does not necessarily have to be understood by the dominant ownership model or conceived of in such exclusionary ways (see Blomley, 2005). Indeed, practices like those of street vendors can challenge the meaning of property and produce “new” and more collective discourses of property (see Blomley, 2008). By challenging formal citizenship that reflects neoliberal norms, and combating its subsequent effects, property can be practiced in ways that allow for difference and for substantive claims to belonging. The struggle for redefining the

norms of property is necessarily a struggle for public space (see Staeheli and Mitchell, 2008) and against processes of neoliberal urbanization that privatize these spaces. In the following chapter I turn to the issue of neoliberal urbanism, which requires the the privatization of public spaces, and further argue that these neoliberal logics and practices are marginalizing and not conducive to the claims of street vendors.

## **Chapter 5 – The Politics of Public Space and Exclusion in Neoliberal Urbanization**

### **5.1 Introduction**

In this chapter I examine exclusions at the scale of public space and the relationship of these exclusions to neoliberal urbanization in order to further articulate the characteristics of this “new” marginality in Lima, Perú. This new marginality, as I demonstrate through the following case studies, is also a product of the Politics of public space – the formal politics that shape what public spaces are – in an era of neoliberal urbanization. These case studies highlight the accumulation strategies that privatize public spaces that consequently challenge street vendor appropriations of public space and contribute to the marginality of street vendors. This chapter completes the third part of the exploration of the different exclusionary processes that change the face of marginality in Lima.

The Politics of public space under neoliberal urbanization both produce exclusion at the scale of public space as I argue in this chapter, and as I outlined in Chapters Three and Four also produce conditions for district municipalities to exclude at the scale of the citizen.

Marginalization at the scale of the citizen is enabled by the Politics of public space under neoliberal urbanization. In the previous chapter I demonstrated that the reorientations of public and private property that exclude street vendors are a product of the ownership model. The ownership model and the dominance of private property rights are necessary conditions for capital accumulation, a key feature of urban renewal strategies in neoliberal urbanization. The presence of private interests in public property is supported by reorientations of property under the ownership model. Consequently, private property interests in public properties exclude vendors from these spaces that are public property, challenge and negate their common property claims, and privatize public spaces. In Chapter Three I demonstrate that compliance to street

vending policies excludes vendors who do not fit the ideal neoliberal citizen. In the context of Lima, neoliberal citizenship appears necessary in order to generate accumulation during urban renewal strategies through policies such as formalization. As a strategy, formalization operates both to produce capital accumulation and as an impulse of urban renewal strategies by ostensibly moving vendors to private property marketplaces.

In developing my argument about neoliberal urbanization; I first review the literature on public space, to highlight the connection of the struggle for public spaces to substantive citizenship claims and claims to common property advocated in Chapters Three and Four. I do so by defining “public space” as a useful political tool for the excluded. The struggle for public space, as I articulate, is for appropriation and participation by all city dwellers. These rights are necessary for substantive citizenship in general, and in particular for the struggle for common property for street vendors. After articulating this argument, I examine how the Politics of public space in Lima have unfolded through neoliberal urbanization. Using government municipal policy documents, municipal press releases and newspaper articles, I demonstrate that public spaces have become exclusionary through their privatization. I examine the discourses of authorities at the district and metropolitan municipal levels that make problematic street vendors in urban renewal, which is dominated by large-scale commercial investment schemes.

## **5.2 ‘Public’, Public Sphere and Public Space**

Public and private form a potent dichotomy in liberal thought, where *the private* refers to “what is hidden or withdrawn”, as well as “what is individual or only pertains to an individual”, and *the public* to “what is revealed and accessible” as well as “what is collective, or affects the interests of a collectivity of individuals” (Weintraub, 1997, p.5). In the realm of politics, the public is the realm of collective decision-making and the determination of what is possible, or even desirable,

for the public. Critical theorists have long recognized that excluding certain groups from membership in *the public* – often in the name of *the private* – is one of liberalism's principle modes of oppression. Habermas developed his notion of the universal public sphere as a way to overcome the problem of exclusion in liberal conceptions of the public, but according to Fraser (1990) and others (Low and Smith, 2006; Staeheli and Mitchell, 2008) his formulation remains exclusionary in a substantive sense.

In this section I summarize Fraser's critique of Habermas' public sphere, and then explain how this critique has been extended by geographical explanations of the production of public space. The latter provide a rationale for arguing that the struggle for public space is a useful political tool for the excluded. The struggle for public space prescribes that all individuals appropriate space for political representation and material use, which are conducive to substantive citizenship claims and struggles for inclusion.

Habermas wanted to construct a *public sphere* that produces inclusivity in political matters among all citizens in liberal societies. Habermas' public sphere has two noteworthy conditions: open access, and integrity from manipulation by preference and particular interests. In order to realize the inclusion of citizens in politics Habermas (1991) prescribes that a sphere be formed between society and the state that would emerge from individuals congregating under the conditions of universal accessibility, equality and critical rational debate to discuss their private interests, to concede on consensual interests (i.e., the common good) and communicate those interests to the state. According to Habermas (1991), particular subjectivities must be defended through communication in order to maintain the critical rational debate that constitutes the foundation of the public sphere. This prevents the suppression of the public sphere by

individual preferences, and assures that consensual interests are formed through open negotiation and debate.

The ideal of the universal public sphere developed by Habermas has been criticized by Fraser (1990) for its substantive exclusionary outcomes. Fraser (1990) argues that “public formation” in masculinist liberal societies is antithetical to the concept of public, and in fact public formation is exclusionary. For Fraser (1990), the liberal public sphere as conceived by Habermas is procedurally exclusionary and overlooks the historical realities of non-bourgeois and non-liberal publics. According to Fraser (1990), the procedures in the Habermasian public sphere produce hegemonic truth(s)-as-consensus by ignoring power relations in both the formation of consensus and the exclusion of traditionally-marginal groups. A corollary to this line of critique is that Habermas’ analysis of the public sphere overlooks the possibility of (a) non-bourgeois and non-liberal public sphere(s). The public sphere as conceived by Habermas (c.f. 1991) fosters the growth of the *bourgeois* and *homme* –the ideal liberal, rational, propertied and (traditionally) male subject –but ignores individuals that have been historically excluded, but nevertheless have contested or manifested beside the bourgeois public as *counterpublics* (Fraser, 1990).

The Habermasian public sphere is substantively exclusionary by favouring an elite, propertied, masculine class – literally, the *bourgeois* and *homme* – whose interests are deemed those of a wider public. Public consensus and the common good, ostensibly produced through the public sphere, bracket power relations and obscure the realities of social inequality. Thus, contrary to Habermas’ discourse of a public sphere built on *truth* not *authority* by “free men” (and not the rulings of the sovereign/state; Habermas, 1991, p. 52-3) the public’s truth is actually

the authority of a particular group, whose deliberations reproduce *that* public's interests while concealing the interests of other publics.

In order to combat the inequalities and exclusions produced in and through the public sphere Fraser (1990) argues that "the public" as conceived by Habermas be reconceptualized as "multiple publics". Acknowledging that different interests exist in "the public" elucidates that those excluded participate in their own particular forums. By forming *a* public, dominated groups can then struggle for access to and inclusion in the actually-existing public sphere in order to publicize their inequalities and oppressions.

Political theories on "the public", "multiple publics" and "the public sphere" do not fully account for the geographies of the public sphere and the materiality of space. Low and Smith (2006) note the failure of the literature to recognize the spaces of publicity and "publics" and how their geographies are produced. Staeheli and Mitchell (2008) argue that Habermas universalizes the private, exclusionary and bourgeois space of a coffee shop in a particular time to conceptualize the public sphere. Exploring how the public sphere is produced in and through space, what individuals or groups can access these spaces, and the conditions of access to these spaces is imperative to the geographies of the public sphere.

The spatiality of the public sphere is of particular importance in conceiving of public space and its production. Spaces are produced by actors, who give meaning to space, conceive of meaning from space and engage in material practices in space (see Lefebvre, 1991). Because actors are dynamic, spaces are dynamically changing: both the practices and the perceptions of actors perpetually reorder the symbolism and the materiality of spaces. Public space is thus actively produced and experienced. The meanings and practices that determine what is public (e.g., what the norms are of that space, what can be said and done in that space) and who is



“public” (i.e., who is to appear) are based on the struggles between the different actors that produce space. These practices produce different forms of exclusion as the meanings and practices of different spaces at different times determine who has the right to appear and how.

If we are to consider that “public” signifies “fully accessible” and “collective” then the contestory and exclusionary outcomes of the production of public space, much like the exclusionary outcomes of public formation described by Fraser (1990), challenge the ideal of public space. Substantively, truly public space does not exist. Yet, as Staeheli and Mitchell (2008) state, public space is an ideal to be struggled over. This struggle is particularly important for groups that are marginalized and seek political representation in space and accessibility to spaces in order to be public (Mitchell, 2003). The struggle for public space allows for the contestation of uneven power and inequality produced by more dominant publics (Staeheli and Mitchell, 2008) and also produces space that is conducive to the material practices of those publics that contest inequality and exclusion. The practice-based, substantive citizenship I advocate for in Chapter Three reflects this struggle for public space. My representation of street vendors’ citizenship is an exercise of claims to belonging and security by being in and producing public spaces.

The concept of the “Right to the City” frames the struggle for public space as part of a larger political project. As Mitchell (2003) notes, the struggle for public space is necessary in order to realize the “Right to the City”. The “Right to the City” also fits with the prescriptions I make in earlier chapters for substantive citizenship and inclusion through collective property claims. The “Right to the City” promotes access and use of space for *all* citizens, fosters practiced-based citizenship through the appropriation of space, and thereby challenges the exclusionary consequences of formal property rights that are embedded in the meanings of

public spaces. By redeveloping urban space in ways different than the current social relations of property reinforced by capital accumulation strategies, the excluded can be empowered as producers of urban space to reorder space materially and symbolically. There are two salient ways that the “Right to the City” empowers urban inhabitants (*citadins*), in particular the excluded, to participate in the production of public space, and urban space more generally. First, Lefebvre conceives of the city as *oeuvre* – urban space in construction through the creative process of its inhabitants – where it is the obligation of all *citadins* to be producers of their environments and themselves (Lefebvre, 2002; Purcell, 2003). The right for the urban dweller to be a producer of her environment is inalienable and ostensibly equal amongst dwellers. Second, Lefebvre (2002) conceives of the “Right to the city” as an entitlement of all *citadins* to the right to the appropriation of and participation in urban space in order to produce the *oeuvre*. The right of appropriation guarantees the *citadin* the right to exist and be present in material space, and the right to participation enables them to act in space in order to shape space both materially and in its meaning.

The struggles for public space, when including the prescription of “Right to the City”, are struggles over the immediate, lived-in spaces of people’s everyday lives for the purpose of actively engaging in political representation and shaping their lives and city. These struggles must recognize the plurality of publics, who are differentiated but nevertheless share the same urban spaces. Multiple publics have the right to make claims under the “Right to the city” as a universal right of all but as differentiated groups. Yet, as no inclusion is without exclusion (Mitchell, 2003; Isin, 2005), the struggle for public space with rights to appropriation and participation for all cannot be substantively realized. Nevertheless, city dwellers’ struggles for public space are struggles that all can engage in so that they are publicized. This is the key tenet

to public space: a constant, dialectical struggle of all differing groups to produce space physically and symbolically in some way as their own.

### **5.3 Neoliberal Urbanization and the Politics of Public Space in Lima, Perú**

The struggle for public space unfolds through the intersection of a variety of politics. Politics may refer to politics outside the state and its traditional venues. Analyses of this type of politics have emerged from post-colonial, queer, feminist and environmental disciplines and are referred to as “politics with a ‘p’” (Flint, 2003). Second, it may refer to Politics or “politics with a ‘P’”: the policies of the formal state and its regulations (Flint, 2003). In this chapter I discuss Politics for analysis of the case studies about municipal regulations of street vendors in public spaces.

The Politics of public space have changed significantly at an international scale as a result of the commercialization, privatization and militarization of public spaces through neoliberal urbanization (Smith, 2002; Staeheli and Mitchell, 2006; for international examples see Atkinson, 2003; Swanson, 2007; Bromley and Mackie, 2009; Samara, 2010). Neoliberalization has driven the roll-back of social welfarist policies and the roll-out of market-oriented neoliberal policies (Peck and Tickell, 2002). In turn, this has produced a rise in social insecurity that has generated fear of public spaces and hyper-punitive policies in public spaces (Katz, 2006; Beckett and Herbert, 2008; Wacquant, 2008). The municipal policies following formalization schemes in Lima described in Chapter Three illustrate precisely how punitive measures follow the roll-out of neoliberal policies. The everyday violent practices produced by the confluence of neoliberalization and the colonial present described in Chapter Four demonstrate that Lima has

been a site of punitive measures against Others – a characteristic of social insecurity in neoliberal urbanism<sup>46</sup>.

The consequences of neoliberal urbanization have been largely discussed in previous chapters. Indeed, the dominance of neoliberalism as a discourse shaping everyday life in urban spaces has been characteristic of this urbanization process (Keil, 2009). This discursive dominance includes the importance of private property ownership and the naturalization of enclosure (Chapter Four), and governing strategies such as producing compliance through the prescription of neoliberal citizenship in street vending policy (Chapter Three), both of which have come with the restructuring of everyday life under neoliberalism. In this section and the case studies that follow I highlight the state regulation of public space as a result of neoliberal urbanization, which also shape the everyday life experiences. In particular, I focus on what neoliberal urbanization is, what its characteristics are at the level of the local state, and how it has shaped public space. I include empirical examples from three case studies: the Metropolitan Municipality of Lima/District Municipality of Cercado de Lima, and the District Municipalities of Independencia and San Martín de Porres.

Neoliberal urbanization is a process that reflects the neoliberalization of urban space. Neoliberalization is an uneven spatial process of differing degrees of market-oriented policy changes that have affected the political-economic and state-institutional landscape (Peck and Tickell, 2002). It has produced macroeconomic and macropolitical changes that consequently cause interlocal competition between cities (Peck and Tickell, 2002), the result of which is neoliberal urbanization. Neoliberal urbanization is the process of urban development, decline and

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<sup>46</sup> A good example of the rise in preoccupation of social insecurity is Lima's Bratton Plan. The plan recommends similar tactics as those of New York City in the 1990s, in order to secure the conurbation of Lima (The Bratton Group LLC, 2002, p. 13-4).

change in the neoliberal era. In this process localities become the sites of regulating and attracting market competition, and subsequently there are institutional shifts towards rigorously promoting opportunities for capital accumulation in urban centres through new governing strategies at sub-nation-state levels (Jessop, 2002; Peck and Tickell, 2002). Neoliberal urbanization has increased relevance within municipal political territories as capital investment and state strategies for increasing those investments are increasingly localized. As Hackworth (2007) suggests, neoliberal urbanization is a shift towards local (neighbourhood) responses to attract increasingly mobile capital. In these attempts to attract foreign capital the state assumes a new role as market facilitator (Smith, 2002; Hackworth, 2007).

Local states must take on the role of market facilitators to attract increasingly mobile capital, and because they depend in part on bonds in order to pay for city projects (Hackworth, 2007). Neoliberal logics and practices such as profit-seeking, market-oriented entrepreneurial behaviour are forceful and disciplining practices caused by macroeconomic shifts and the strengthening of global finance, which demand profitability and low risk conditions for capital accumulation. The emergence of growth-first strategies at the municipal level – conditions for profitability in urban spaces under competitive market conditions – results from the shift to global financing and the emergence of loan and bond rating agencies, which force cities to use borrowed money to spend on projects that are ostensibly profitable (Hackworth, 2007).

In Perú, national-scale policies have reconfigured the scale of investment strategies and have redefined the local state as market facilitator. In 2003, the Republic of Perú established a new Organic Law of Municipalities (*Ley Orgánica de Municipalidades*) that increased the municipal responsibility for local development. Under this law district and metropolitan municipalities have become responsible for promoting local economic development and job

creation, and fostering private investments and development projects in the interest of the locality (Arts. 73.2.8, 73.4, Law 27972-2003, Congress of the Republic of Perú). Specifically, district municipalities have become responsible for promoting entrepreneurial activity through public sector activities and environments that foster good business climates with the end of encouraging productivity and competitive environments (Art. 86.3, Law 27972-2003, Congress of the Republic of Perú).

This responsibility to promote local development and a good business climate has been put into law by the majority of the (district and metropolitan) municipalities studied. With the exception of Independencia, all have formally legislated attracting private investment – from local, national and international sources – and creating agencies that foster conditions for private investment (By-Law 101-2004-MVES; By-Law 245-2007-M/MC; By-Law 223-2007-MDSMP; By-Law 171-2009-MDSJL). Further, By-Law 867-2005-MML implemented by the Metropolitan Municipality of Lima legislated that all district municipalities in Lima incorporate a municipal fund into their budgets in order to help with costs attributed to encouraging private investments. This fund has since been adopted by the Municipality of San Martín de Porres (By-Law 269-2009-MDSMP). These formal laws manifest the imperative for encouraging development at the level of the municipality. Furthermore, they highlight institutional shifts towards market facilitation by municipalities as government offices create accounts and agencies that dedicate resources to private investment.

Internationally, neoliberal urbanization is characterized by urban renewal<sup>47</sup> as a strategy for market-oriented economic and urban growth (Smith, 2002; Samara, 2010). Urban renewal is

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<sup>47</sup> Like Samara (2010) I opt for the term urban renewal to refer to what is called “gentrification” elsewhere. As well I suggest urban renewal has the same characteristics of gentrification: real estate investment and investment in public

not patently neoliberal. In fact, these programs predate neoliberal urbanization and have served non-market oriented purposes such as building social housing (Smith, 2002). Nevertheless, urban renewal as a strategy for neoliberal urbanism is characterized by a process of investment and accumulation in disinvested or (perceived) stagnating urban spaces, that connects global financial markets to real-estate developers of all sizes, and those who lease or purchase the buildings for commercial or residential purchases (Smith, 2002). Urban renewal is for private sector gain and accumulation despite the role of the state in facilitating it. States will subsidize the private sector by providing favourable market oriented policies, special agencies to attract investors and developers, public money to encourage projects, and police and security for these investment spaces (see Smith, 2002; Hackworth, 2007; Samara, 2010).

The Politics of public space unfold in the current context of urban renewal. In cities, public spaces become important sites of accumulation strategies as they can be used to secure mobile capital (Mitchell, 2003). In Chapter Four I suggest that the use of public property is largely to serve private property interests in a neoliberal era. The state engages in the regulation of public spaces in order to secure mobile capital, by maintaining safe spaces for spectacles, sociability and consumption (Staeheli and Mitchell, 2008). The exclusions that are consequences of the accumulation strategies of the state that control who and what appears in public spaces have been particularly cruel and punitive, as discussed in Chapters Three and Four (also see Mitchell, 2003; Harvey, 2006; Swanson, 2007; Staeheli and Mitchell, 2008; Samara, 2010). In neoliberal urbanism, the state becomes a facilitator not only of the market but also of

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spaces, heavy policing to assure security of the investment and displacement of and exclusion of the poor and Others.

exclusionary practices by deciding, or letting private interests decide, who cannot appear in these public spaces.

Pressures on the state to encourage private investments may not necessarily have the same characteristics as the privatization of public spaces when considering what type of property is used to facilitate these investments. While the privatization of public space may occur on sidewalks, streets, boulevards, parks on public property, such as the cases of Cercado de Lima and San Martín de Porres, there can also be the privatization of public space in private property. For example, by encouraging the development of public spaces on privately-owned and operated property, such as the large scale projects in Independencia, local states encourage spaces for encounter, accessibility and political representation to occur in private property. Staeheli and Mitchell (2008) suggest that, ultimately, functions that are normally regulated by the state on public property that is public space become assumed in private property commercial spaces that act as public spaces. This particular issue, while cited as an American example, may be a “new” concern for those struggling for public spaces in cities like Lima, as I explain in the case of Independencia.

In the following case studies I demonstrate that the production of urban space through neoliberal logics and practices compromises the ‘publicness’ of space – the right of multiple publics to appropriate and to participate in space in ways that redefine what constitutes public and private. The Politics of public space demonstrate that state regulation of people in public spaces produce exclusions of differentiated Others such as street vendors. In the three case studies of Cercado de Lima, Independencia, and San Martín de Porres local state authorities have implemented growth-first policies to attract capital following neoliberalization. In these growth-first policies, *street vendors* have been adversely affected in their ability to produce space due to

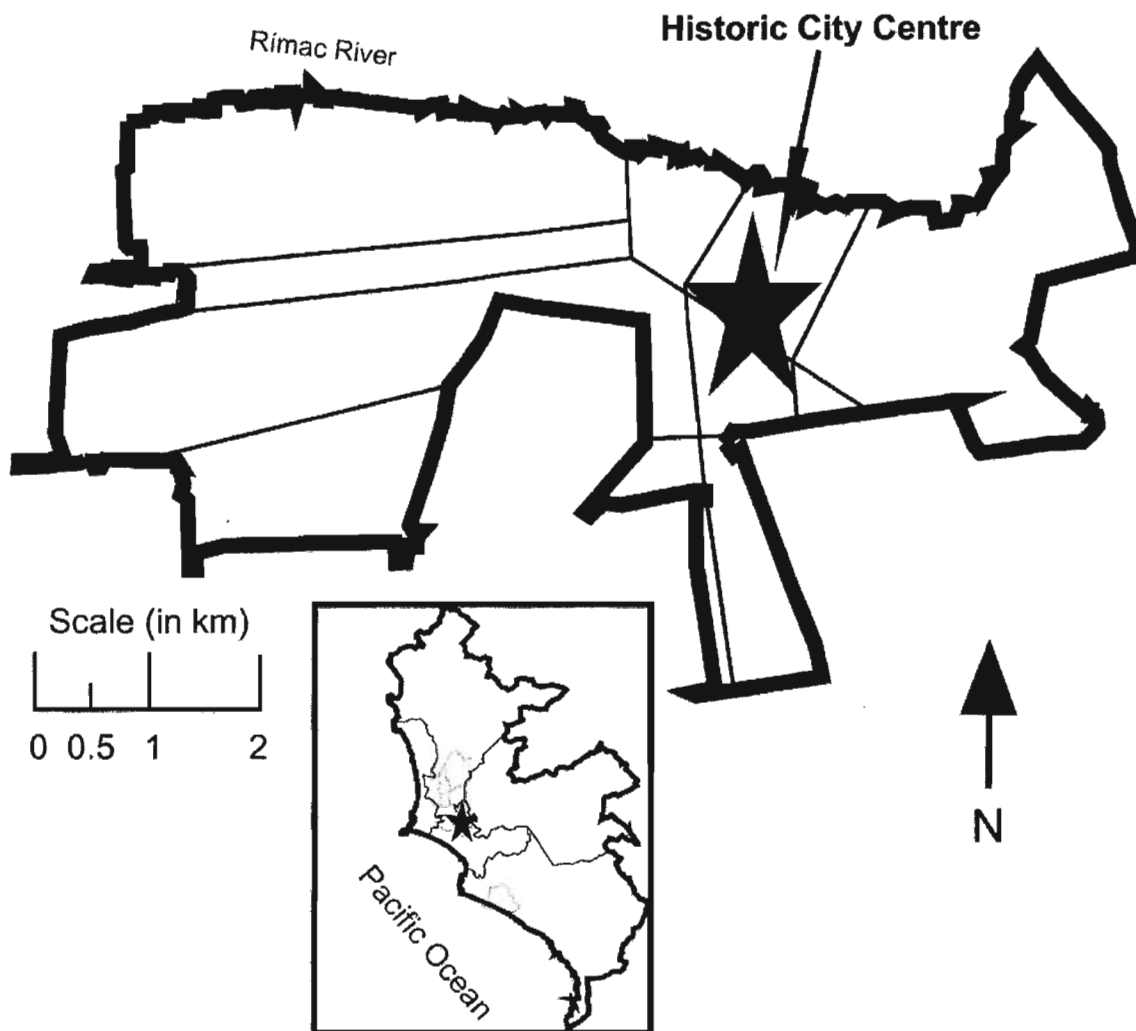


the prioritization of large-scale investment projects as a means of attracting capital. The result is state policies and practices that control access to public spaces, or significantly neglect the decline of public spaces caused by their pursuit of large-scale investments. In order to argue these points I review policy documents, news articles and municipal press releases.

### **5.3.1 Case Study: Cercado de Lima**

Cercado de Lima (see Figure 5.1) represents a precedent in neoliberal growth-first municipal policies in Lima. At the municipal level is the “Historic City Centre Urban Renewal Campaign” started in 1996, emerging from the UNESCO designation of the historic city centre of Lima as a World Heritage Site in 1991 (see Ruiz de Somocurcio, 1999). The District and Metropolitan Andrade (1996-2002) administration, which had executed neoliberal strategies to encourage private investment and to create a leaner state (Gandolfo, 2009), implemented an urban renewal program for the Historic City Centre. Its goals were similar to other Historic City Centre urban renewal strategies in Latin America: capitalize on the cultural heritage of the Historic City Centre, improve some of the lower valued properties in order to attract a tourist class, and clear out the working and housed poor populations from the city centre (see Swanson, 2007). The municipality intended to create a competitive environment for economic development through policies to revalorize the cultural and economic value of historic spaces and nearby buildings for tourism, and thereby increase tourism spending, create a modern (policy) environment for competitive economic development, regenerate slum areas, and ban itinerant vendors from the city centre (Decree 015-1998-MML; Ruiz de Somocurcio, 1999; Art. 2, Master Plan for the Centre of Lima, 1999, as cited in Ruiz de Somocurcio, 1999, p. 149-50; Ludeña Urquizo, 2002; Chion and Ludeña Urquizo, 2008).

## District Municipality of Cercado de Lima, Perú and the Historic City Centre



**Figure 5.1** A Map of the District Municipality of Cercado de Lima with the Historic City Centre identified with a star.

(Source: Ian Wood, 2011)

The Politics of public space in Cercado de Lima unfolded with particular interests – those of old and new investors, real estate developers and their consuming publics – appropriating public spaces. But these interests did not necessarily directly appropriate public space. The state facilitated urban renewal beyond policies to encourage investment and impulse tourism as suggested in the Master Plan for the Centre of Lima. It secured space for private interests through evictions of street vendors, and the establishment of municipal security officers in “recuperated” zones. It was the violent removal of tens of thousands of street vendors that initiated urban renewal. As Gandolfo (2009) notes, the city centre during the urban renewal campaign had juxtaposed sceneries: street vendors and police physically struggling with each other during evictions and daily (state-sponsored) tourist scenes of colonial wear, *criollo* music, theatre, dance and other spectacles. Ultimately, as street vendors lost access to the public spaces they appropriated, the state began to place police to control space from any transgressors such as street vendors. The appearance of street vendors in public space became forcefully constrained under the guise of welcoming a mixed public for tourism and consumption (Figure 5.2).

As the securitization of public space for tourism and private investment occurred in part through substantive removal of informal vending and a declaration of the Historic Centre as a rigid zone for street vending, the subsequent Metropolitan and District Municipal administration of Castañeda (2003-2010) implemented further restrictions on the use of public spaces for any congregation of the public in the Historic Centre (Decree 060-2003-MML), paradoxically justifying such a response as “acting in defence of the rights of citizens, of thousands of workers and small-businesspeople...and *we defend the right to work for thousands of people...*” (Alcalde Luis Castañeda reitera que hará respetar zona rígida, 2003 – February 20, p. 2, emphasis added). The layers of restrictions – in the name of the rights of citizens and the right to work – shaped the

Historic Centre's public as one for production and consumption in the name of private-property and accumulation interests at the expense of the right to appropriate and participate in space. Street vendors were not only excluded through such policies, but their ability to appropriate space for work could not be mobilized through a "Right to Work". Rather, their ability to be in public space was contingent on the "Right to Property" or the status of a worker for an employer who held that right.



**Figure 5.2.** *Serenazgo* dressed in yellow and blue, or florescent green and blue, vigilating in the Historic City Centre in Cercado de Lima.

Photos taken by Ian Wood, June 2009

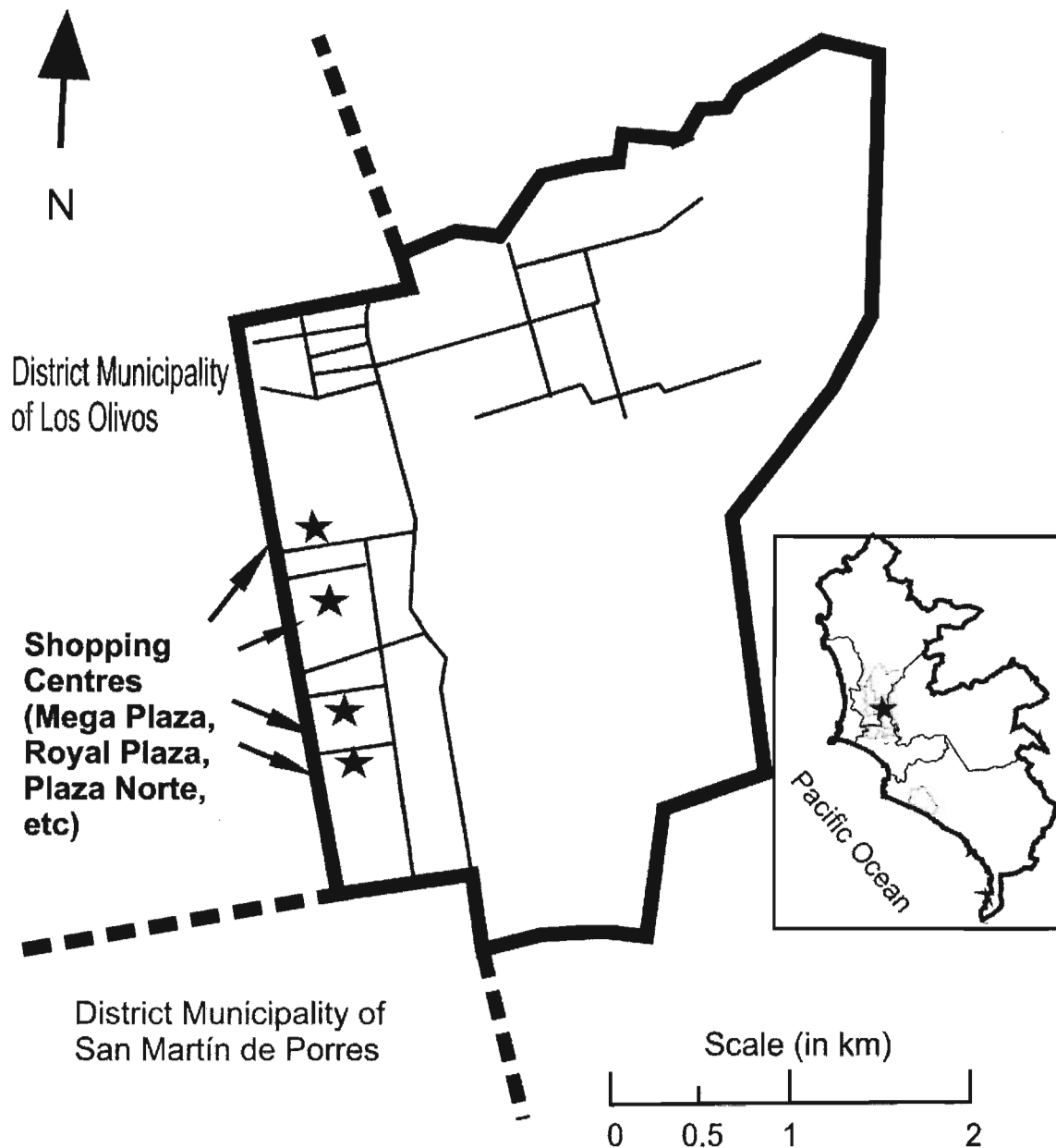
### 5.3.2 Case Study: Independencia

Neoliberal urbanization in the District Municipality of Independencia has taken on a different form than that of Cercado de Lima and San Martín de Porres, as the majority of urban renewal in the district has been large-scale private investment projects for retail and commerce. The municipality is adjacent to Los Olivos, which has the highest number of middle class *limeños* in Lima and Perú (Arrellano and Abugattas, 2004; Figure 5.3). This large base of consumers, and the high population concentration in Cono Norte (now branded Lima Norte, or “Lima North”) have driven the development of large shopping centres such as Royal Plaza, Megaplaza and Plaza Norte, which are some of the biggest shopping centres in the country. The municipality has celebrated the transformation of the district into “a principal strategic axis of commerce for the Lima North (*Cono Norte*) area, and, later, to shape [Independencia] as an Economic Centre [of Lima]” (Municipalidad Distrital de Independencia, 2009a – March-April, p. 24).

The Politics of public space in Independencia as a result of this growth-first urban renewal strategy have unfolded in state-led privatization of public space. The local municipality has encouraged real estate developers and large retail chains to build retail spaces that also function as spaces of encounter on private property. The result is the attempt by large retail chains to wrestle away the share of revenues from traditional marketplaces and street vendors by attracting publics to their complexes. This policy of encouraging public spaces in private property is coupled with municipal policies that limit the ability of vendors to appropriate public spaces, encourage formalization, and scrutinize who is economically and physically “disabled” enough to use public space (Chapter Three). In this case, it becomes apparent that municipal policies to encourage private investment work alongside street vendor regulations thus limiting vendors claims to public spaces, and reducing their options of spaces to appropriate while

attacking their livelihoods under the guises of economic and urban development that apparently will help the poor.

## District Municipality of Independencia, Lima, Perú



**Figure 5.3** A map of the District Municipality of Independencia with the commercial centres and the District Municipality of Los Olivos identified.

(Source: Ian Wood, 2011)

The shopping complexes and nearby development zones of the district have been celebrated by the district municipality for attracting private investments that have generated revenues (Municipalidad Distrital de Independencia, 2009a – March-April, p. 34) and have increased local property values:

The Supermarket Metro, the shopping malls Royal Plaza and Megaplaza and important brands like McDonald's, Cassinelli [a home improvement and home renovation box store], as well as many medium and small businesses have established themselves [in the district]... Now the parcels of land cost \$1000 (US) per metre squared, before they were just \$40 (US)..." (Municipalidad Distrital de Independencia, 2009a – March-April, p. 23)

The large-scale investments have been largely foreign investment and some smaller retailers and merchants. The increasing land values in the commercial sector of the district have effectively created prices that are too high for street vendors to pay. These commercial developments encouraged by the municipality are enclosed spaces that have effectively privatized public space. Part of the retail space has become used for other public functions, further enclosing essential public spaces from certain publics. As Staeheli and Mitchell (2008) describe in the case of Syracuse, New York, USA, social necessities in adjacent public spaces (e.g., bus terminals, meeting places, municipality services to citizens, public spectacles, etc.) begin to operate as normal functions in private property spaces, which are subject to the regulation of the property owner. These commercial spaces, that are actually public spaces, are entitled to keep unwanted populations out, and can effectively do so through design by closing off pedestrian access to the space with few controlled access points (Figure 5.4).



**Figure 5.4.** A picture of Wong (supermarket chain) that forms part of Plaza Norte in Independencia. The shopping centre is entirely gated with few access points.

(Source: Prensa Lima Norte, 2010, URL)

Large-scale private investment is justified using arguments that the poor will benefit from work opportunities and corporate responsibility. The recent Plaza Norte shopping mall has been celebrated for creating “4200 jobs where youth looking for work will have first priority, and for this reason the municipality has begun workshops and capacity training to aid them in their entrance to the job market” (Municipalidad Distrital de Independencia, 2009b - June-July, p.17). Municipal news articles (Figure 5.5) that appear more like advertisements for the recent private commercial investments give statistics about the employment benefits and the subsequent opportunities for local residents to gain employment through direct and indirect benefits. Such large-scale investments have been promoted as fostering benefits for microenterprises – including street vendors – and the urban poor. In the case of the inauguration party of the Maestro Home Center (a home improvement store and home renovation store owned by U.S. Ace Hardware Corporation), the Mayor of Independencia declared:



This alliance between the private company, the municipal administration and the population will permit us to collectively channel the efforts of social corporate responsibility towards the least favoured in the district. (Municipalidad Distrital de Independencia, 2009b – June-July, p. 12)

Further, the large investors and retail businesses in the Megaplaza and Plaza Norte shopping centre projects have been celebrated by the Municipality for their Education and Business Promotion Sponsorship program “through which the most vulnerable social sectors will be assisted...” (Empresarios oficializaron patronato de educación y promoción empresarial, 2009b – June-July, p. 4).

**Megaplaza continúa creciendo**

Desde su inauguración en noviembre de 2002, el Centro Comercial Megaplaza no ha dejado de crecer, pasando de sus iniciales 16 mil metros cuadrados a tener siete mil 800 metros cuadrados más, en lo que fue la construcción del segundo nivel.

Nuevas tiendas, marcas exclusivas, espacios más amplios y mejores ofertas se encuentran en este centro donde, según Percy Vigil, gerente general del Megaplaza, la exigencia ha aumentado.

"Aunque ha aumentado el consumo pero también la exigencia por productos de calidad y buen servicio. El volumen de ventas es de 800 mil nuevos soles a dos millones de nuevos soles por mes".

Precisamente, con la construcción del segundo nivel, que cuenta con escaleras eléctricas y modernos ascensores, la llegada de nuevas tiendas, cafeterías y restaurantes ha elevado el nivel del centro comercial.

El restaurante gourmet Bohemia, la cafetería Altamayo, las tiendas propias de las marcas Adidas, R&R, Azalea, Topy Top, Leontía y Mega Marathon destacan en este nuevo y confortable ambiente.

En una primera etapa se invirtieron cerca de seis millones de dólares, para ampliar la capacidad y albergar a treinta locales nuevos, que han ayudado a que Megaplaza sea el primer centro comercial en número de visitantes y el segundo en facturación.

El impacto de este espacio de consumo también ha sido beneficioso para la población de la zona, ya que el centro comercial ha mantenido como política empresarial contratar a personal de la zona.

**SE BUSCA LAVAZ**  
**Primer Puesto: S/ 12,000**  
**Segundo Puesto: S/ 8,000** **Tercer Puesto: S/ 4,000**

**Figure 5.5.** The article “Megaplaza continues to grow” is an example of this practice of advertising the growth of private investments in the district.

(Source: Municipalidad Distrital de Independencia, 2009a)

These rather celebratory claims minimize the material realities of competition in the effort to attract large-scale investments to Independencia. Policy analysts working for Independencia have warned that large-scale commercial centres have caused a reduction of sales

for the roughly 2000 street vendors working in Independencia, 78% of which already earn less than the minimum living wage (Municipalidad Distrital de Independencia, 2008, p. 80-2).

Although municipal policies that attract young prospective workers to the commercial centres for retail and service sector employment are congratulated by local government, adult street vendors, including the 32% over the age of 50 that work in Independencia (Municipalidad Distrital de Independencia, 2008), are excluded from this alternative. Policy documents are reframed to downplay the negative effects of competition on street vendors not only through their contradictory celebration of aiding the poor, and their neoliberal trickle-down logic:

The apparent improvement of the district's commerce due to the large capital investments through the mega shopping centres has to be analyzed carefully as the large gains obtained by these businesses benefit the development of our district in a tangential manner. (Municipalidad Distrital de Independencia, 2008, p. 81-2)

While urban development policies focusing on growth-first policies have not been favourable to street vendors, they have been selectively inclusive of street vendors on the basis of their investment capabilities. Street vendors who can compete with these large-scale investments are expected to do so and are given assistance in order to reach their potential as formal vendors. Yet street vendors are ultimately alienated by the municipal policies enacted during this growth of investment. They must compete in a market where local state policies favour and foster large-scale development over street vendors, and vendors are constantly pressured to formalize or leave public spaces due to tightened regulations on them in public space.

### **5.3.3 Case Study: San Martín de Porres**

Street vendors in public spaces in Caqueta are portrayed as the foil to growth-first strategies in district municipalities, both inherently and as a consequence of being in public space. Criticisms

by the Mayor of Independencia Yuri Vilela (2003-2006) regarding San Martín de Porres's local development demonstrate that neoliberal logics and practices are working in justifications of the removal of street vendors. In reference to a territorial struggle for land between the two municipalities, Vilela states:

[San Martín de Porres] looks dirty and disorganized, while we are generating investment and development... We have generated confidence in the private sector, everyone supports me. It appears that the mayor of San Martín de Porres should promote the formalization of informal vendors and put an end to informal street vending. It is the only way to move forward. (Alcalde Yuri Vilela lamenta incidentes y recomienda a burgomaestre Alvaro Véliz..., 2005 – December 8, p. 6)

In fact, when this criticism was made the District Municipality of San Martín de Porres had already implemented strategies such as PROMREP to attract private investments. Similar to the case of the Historic Centre of Lima in Cercado de Lima, these investments were central to plans to remove street vendors from the public spaces in the area of Caquetá in order to promote investment in private property. In this urban renewal project, however, those evicted were designed to be the investors in the nearby properties. PROMREP, implemented in 2003, included a formalization scheme for itinerant vendors that would have them be the “retailers” investing in an identified \$12 340 000 (USD, 2003 value) of nearby property for sale, which included a \$10 million (USD) property owned by Perú's largest domestic holding company/family *The Romero Group* (By-Law 049-2003-MDSMP).

The failure of PROMREP (see Chapter Three) was followed by another urban renewal project in 2008 known as “Recuperation of Public Spaces” that operated under the same logics of evicting street vendors and encouraging investment in private property. The objective was to

“achieve the recuperation of public space, the relocation of street vendors of Caquetá and promote economic development of the area through formalization, accompanied with an urban revaluation understood as public works and improvements to the aesthetics” (*Plan de Trabajo Conglomerado Caquetá*, 2008-2009). Similar to the previous PROMREP plan, the removal of street vendors from public space required property re-development for the success of the project (*Plan de Trabajo Conglomerado Caquetá*, 2008-2009).

Addressing the perceived problems of economic stagnation and urban decline that street vendors allegedly produce has been used as a justification for evictions to resolve the problem of market-based economic growth. The rhetoric claimed that because street vendors persecute the formal (private) sector they must be removed in order to allow private investment and development to take-off. In 2009, after a series of large-scale *ambulante* evictions in Caquetá, the municipality stated:

these informal vendors persecute the formal sector, bringing to a standstill its potential for development, with the consequent economic, urban-planning and aesthetic backwardness. (Municipalidad Distrital de San Martín de Porres, 2009a, URL).

The justification was that the removal of street vendors from public space was necessary for formal sector growth and the economic development of neighbouring private properties, regardless of who the investors were. The central goal was to assure that public spaces would be free of street vendors to allow for private investment, and this was established into law through redevelopment plans, blanket prohibited zones and zero-tolerance policies (see Chapter Three).

As of April 2009, the evictions had left all spaces recuperated with the exception of one space occupied by 200-300 street vendors (En un año Caquetá tendría nuevo rostro y más inversión privada, 2009 - April 20, URL). The evictions sent very clear indications, both in

rhetoric and in planning, about the zero-tolerance approach to most types of street vending in public spaces. The role of street vendors as investors in private property remained less clear once the evictions occurred.

Following the evictions, the municipality focused on increased securitization of public space as they deepened their investment in it. The municipality planned to have better lighting, video cameras and quick assistance security posts in the public spaces of Caquetá (Plan de Trabajo Conglomerado Caquetá, 2008-2009)<sup>48</sup>. This security would protect the users permitted by security and the stone walking boulevards, and benches and green areas that formed part of a \$2 million (USD) investment in public space by the municipality (En un año Caquetá tendría nuevo rostro y más inversion privada, 2009 – April 20, URL; Retiran a 1,500 informales de Caquetá, 2009 – April 21, URL). Once these investment announcements were made, and public spaces were clear of almost all street vendors, large-scale investors appeared. *The Romero Group*, the wealthiest domestic family and corporation, planned a medium-term project for their branded shopping centre “Minka” (En un año Caquetá tendría nuevo rostro y más inversion privada, 2009 – April 20, URL; Retiran a 1,500 informales de Caquetá, 2009 – April 21, URL). Firm warnings suggested that in this new era of Caquetá as an aesthetic public space for shopping, street vendors will not be welcomed: “the message has been clear: the continuity of these informal actions that have caused such damage to the district will not be permitted” (Firmes en la recuperacion de la avenida caquetá, 2008 – June, p. 18). The intentions of larger-scale investors, once the project was realized, sent the second message about who is entitled to appropriate that public space. Street vendors might be able to come back to Caqueta as property

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<sup>48</sup> These security posts (puestos de auxilio rápido) are locations of security forces. They may include a combination of neighbourhood watch groups, municipal police and national police.

owners. Nevertheless, those who could afford to invest large sums of money in private property in Caqueta could take advantage of the large sums of money spent in securing and beautifying its public space.

The policies of San Martín de Porres, prior to the Mayor of Independencia's criticism of the lack of private investment, demonstrated growth-first logics coupled with regulation of public space and the removal of street vendors, that favoured private investment. Indeed, the words of then-Mayor Yuri Vilela in Independencia must be taken as criticism of the efficacy of urban renewal and not a lack of policy for private investment. What remained questionable was the mayor's degree of commitment to assure the formalization of street vendors. In 2008, the Mayor's tone was very clear on his position to securitize and to regulate public spaces of the district as well as to attract investment for the interests of larger business firms – not street vendors:

“We have full openness for private enterprise... We know by placing measures that improve the security in the district the companies will invest.” (Despegue del distrito se dará con la participación vecinal, 2008 – June, p. 10-11).

#### **5.3.4 Reflections on Case Studies**

The municipal policies of Cercado de Lima, San Martín de Porres and Independencia demonstrate that local state-led policies to facilitate private investment have enclosed public space from vendors, albeit in a different way in Independencia. Municipalities in San Martín de Porres and Cercado de Lima have attempted to secure investments for tourism and commercial property development by evicting street vendors, spending money on public space improvements and security, and courting quality capital investments. A bourgeois and leisurely public that serves these investors in private properties adjacent, such as foreign tourists and more affluent

Peruvians and those that can pass as such (see Harvey, 2006; Swanson, 2007), are to use these public spaces once urban renewal projects mature.

Both cases of San Martín de Porres and Cercado de Lima demonstrate that with the goal of investments in public space more regulations on public space have been implemented. In Cercado de Lima attracting and securing investment led to increasing security in public space and more layers of restriction and regulation on publics once the renewal project was consolidated. The public spaces of the Historic City Centre have become non-accessible for any public that acts noticeably political in those spaces as a result of regulations following the termination of the first recuperation project in 2000. In San Martín de Porres, the municipality rolled out more investments in public space, as well as money for sustaining evictions (see Chapter Three), once street vendors were removed from the spaces they appropriated and investors became interested in the nearby properties.

The policies for growth and urban renewal in Independencia have created a different struggle for accessing public spaces for street vendors. The municipality has made being in public spaces more difficult for street vendors (see Chapter Three). Meanwhile, many of the public spaces of the district are now entirely enclosed in private property spaces in the large commercial centres that have emerged in the past ten years. The municipality has encouraged this process as they become preoccupied with increasing the property values of the district and working with investors. Meanwhile, those subject to the market forces and institutional strategies of the municipality under neoliberal urbanization have little option but to continue competing against shopping centres while losing significant numbers of clients and revenues (see Municipalidad Distrital de Independencia, 2008).

#### **5.4 Conclusion**

Public spaces are becoming closed off for political use and for use by differentiated Others that form marginal publics vying for representation and the right to be heard in public spaces. Street vendors are one public that is constantly challenging the ordering of publics and of public spaces in the neoliberal era, although examples show that they are increasingly punished, evicted and physically attacked for appropriating space. While their claims to space may approximate goals of substantive citizenship, claims to the common and the right to the city, street vendors are still in the midst of these struggles and are being displaced and moved further away from the sites they claim.

Urban renewal strategies promoted by municipalities operate under neoliberal logics and practices, and alongside other neoliberal strategies. The concatenation of strategies for regulating street vendors, such as formalization, conditional authorizations, and prohibition/eviction, alongside neoliberal urbanization strategies such as urban renewal, and the liberal reordering of property produce an effect of exclusion that is new. It is clear that urban renewal strategies on their own create an impetus for street vending evictions, but they also work with other neoliberal strategies such as formalization that create further exclusion by subjecting vendors to market forces and blaming them for disastrous results.

Urban renewal works in conjunction with the reorientations of property under the ownership model and neoliberal citizenship discussed in this thesis. First, urban renewal supports neoliberal logics and practices of strengthening private property ownership and the right to ownership. Real estate developers and private property investors are privileged by municipalities in their ability to bring investment and accumulation to the city under neoliberal urbanization. Urban renewal also works through the reorientations of property by using the state rationality of



good governance and market facilitation that causes public property to be privately used by the propertied for governing and accumulation strategies (see Chapter Four). Neoliberal citizenship is reproduced as a dominant form of formal citizenship under urban renewal. The local state as the new nexus of citizenship and market regulation privileges entrepreneurialism and profit-seeking actions over the practice-based claims of inclusion performed by street vendors. As neoliberal governance requires private property for proper social function, urban renewal in turn operates under the assumption that order in public spaces is possible by having strong private property ownership.

## **Chapter 6 - Conclusion**

On the night of April, 10, 2011, hours after the closure of the polls of the first round of the national election in Perú, candidate and former president (2001-2006) Alejandro Toledo made comments about his low popularity, and the unwillingness of Perú's most economically and socially marginalized to vote for anyone but a populist reactionary or a left-wing candidate. Toledo stated that "the elections were a wake-up call to the economic and political forces that the [neoliberal] economic model is not reaching the majority of Peruvians... there have been ten years of growth and no distribution of that wealth" (Montero, 2011). Toledo was responsible for five of those ten years of those neoliberal reforms, which he implemented using "cholo" characteristics: thin and broken compromises to the indigenous and social movements that he claimed affinity to through his ethnicity (Garcia and Lucero, 2008).

Toledo referred directly to the rise in popularity –for the second time – of Ollanta Humala, the left-wing nationalist candidate constantly under a barrage of media attack by the *limeño* elite and other western foreign interests, whose platform has been to change the current economic model. The rejection of the neoliberal model had the same geographies in 2006 as 2011 at the national level – an overwhelming base in the southern, central and northern Andes, and strong popularity in some Amazonian regions. In the coastal regions of Perú, candidates that supported the economic orthodoxy received the majority of support, and in Lima the racist, former Wall Street lobbyist and Minister of Economy and Finance (2001-2002; 2004-2005) Pedro Pablo Kuczynski won the popular vote (there were similar trends in 2006; see Garcia and Lucero, 2008). Yet, parts of *Cono Norte* and *Cono Este* in Lima, particularly large districts like Comas and San Juan de Lurigancho, voted in majority (30%) for Humala. The rejection of the status quo in these districts had one major competing force: support for a populist candidate

Keiko Fujimori, who promised the poor that she had the magic formula for job growth and poverty reduction. The votes of that majority living in *los conos* of Lima demonstrated both concern with the effects of inequality and precarity associated with neoliberal reforms that were instrumental in the production of their exclusion, and change away from the orthodoxy.

But the night of the election did not only show the deep discontent with the status quo, it also showed a society whose anxieties against the differentiated Other unfolded through racist comments about Andean voters and the poor, ultimately questioning the legitimacy of their votes (see *Elecciones y redes sociales mostraron racismo en el Perú*, 2011, URL). This was a repeat of the same anxieties of the traditional middle and upper classes of Lima five years earlier, who desired to create social order that reflected the race, class and gender dimensions of colonial power – whether by supporting Lay Fung as a hero, or degrading Humala and the social movements of the indigenous and the urban and rural poor (Garcia and Lucero, 2008). The electoral results and the racist expressions that erupted demonstrate the polarization of Latin American society, which has been exacerbated by class inequality under neoliberalism (Portes and Hoffman, 2003). Because neoliberalism as a logic and practice complements and “seduces” racist logics and practices (Roberts and Mahtani, 2010), and thus the colonial present, this polarization can be seen as the product of both the support for both colonial relations and neoliberalism by those who obtain power from them, and the opposite – an alternative political economy that empowers Others that face the exclusion and violence of the colonial present.

The hopes of the informal sector integrating into the rest of society and revolutionizing the traditional state, as envisaged in Matos Mar’s 1984 *Desborde Popular*, have not come to fruition in Perú. Instead, social and economic insecurity have been produced by neoliberal reforms, whose consequences are violence, exclusion and more inequality for marginalized

Others in Latin America and Perú (Koonings and Kruijt, 2007). Yet the stability of neoliberalism and colonial power relations is suspect given the crisis tendencies of the current political economy and the social relations that are produced in part by it (see Peck, Theodore, and Brenner, 2009). Alternatives to neoliberalism appear in national electoral Politics in Perú, and they are being chosen again in 2011 by othered groups and their allies.

More specific to this research, are everyday acts by poor people that both resist neoliberalism and represent alternatives to neoliberalism. I have argued that the substantive citizenship, collective claims to property and the struggle for public space – all practices of street vendors – are in fact important strategies for inclusion. They also challenge neoliberal forms of citizenship, property, and the privatization of public space through neoliberal accumulation strategies. Although these claims may not be motivated by politically organized resistance to neoliberalism, or colonial power (see Bayat, 2004), they nevertheless represent practices that undermine the dominance of neoliberalism. If the legacies of Latin American political urban movements still hold true (Bayat, 2004 suggests they do), street vending can be a powerful practice for challenging neoliberalism in urban spaces.

The struggle for public space, substantive citizenship and collective property claims are important concepts for challenging the marginality produced by neoliberalism and making claims for inclusion. I have reviewed these concepts, suggested their utility and demonstrated that, on the contrary, neoliberalism is an important constituent in the production of exclusion of street vendors through neoliberal formal citizenship, the reorientation of property and the privatization of public space.

In this research I highlighted a new marginality produced in Lima. It remains to summarize the salient characteristics of this new marginality under neoliberalism. First, political

representation by street vendors through the appropriation of public space is being increasingly challenged by the state and in ways different than the past. I say increasingly challenged because appropriation of space and the right to work were concessions made to street vendors by the municipalities in the 1980s. Since the implementation of neoliberal reforms and urban renewal strategies there have been unprecedented large-scale evictions of street vendors from public spaces (e.g., Cercado de Lima in 1990s, Caqueta from 2008 to 2010, and *La Chancheria* in 2009), more regulations for street vendors public spaces, (see Chapter Three) and the practice of state violence on street vendors in public spaces (see Chapter Four). The lack of political representation in public space is in part a product of the discursive changes caused by neoliberalism. Street vendors have been redefined as “responsible, autonomous, market actors” who can generate enough wealth to be property owners and successful business people. According to neoliberal logics any non-rent-seeking market action is a wrong pursuit. Collective claims to property are delegitimized as they are seen as political claims that challenge the norms of liberalism: private property ownership as the base upon which society is organized, and the liberal citizen as a property owner. As a result, property ownership becomes the basic condition in which one can appear as any type of vendor, and street vending violates that norm thereby leaving no formal right to appropriate space without ownership of that space.

Second, economic marginalization of street vendors results from the combination of formalization, eviction and conditional authorizations that connect with norms of property, neoliberal citizenship and urban renewal strategies. The replacement of the “Right to Work” with authorizations that differentiate vendors based on the ability to participate in the market obliges “able” street vendors to start the process of formalization if they want a temporary authorization for public space. These authorizations are stringent: they demand that vendors save a certain

amount of money daily and then enter private property marketplaces within a specified period of time (see Chapter Three). Eviction policies threaten or remove non-compliant vendors and vendor associations that have “successfully” saved enough money to finance or purchase stalls. If and when vendors cannot legally return to public space due to the realization of formalization policies, they either face the uncertainty of the high costs of formal licensing and property ownership or rental, unknown commercial traffic flows, and fixed spatial and temporal vending practices that are not conducive to their street vending practices (see *desco/alternativa*, 2001; Donovan, 2008), or the risk of returning to public space without authorization. Formalization policies have produced a lot of uncertainty for street vendors. It is more common for formalizing street vendors to leave the stalls they purchase or rent due to economic pressures (*desco/alternativa*, 2001). The loss of the “Right to Work” and its subsequent replacement by market-oriented policies persecutes the “able” in acquiring income necessary to take care of themselves or their families precisely by denying that right and subjecting street vendors to either market forces or state-sanctioned evictions or both. For “disabled” vendors, there are increasing regulations that limit their legal ability to use space and how they can use it. Those regulations contain both numerous conditions just to obtain authorization and numerous threats to revoke authorizations due to non-compliance. All unauthorized vendors, whether defined as “abled” or “disabled” by municipal policy, are subject to more difficult conditions in which they can obtain income through street vending, putting more stress on their finances.

This new marginality unfolds in the colonial present, which exacerbates the effects of neoliberalism on those who are racialized, classed, and gendered as Others. The economic and political deprivation that has been a part of colonialism is directed, now through neoliberal policy, against rural migrants from the Andes, in particular women. These policies responsibilize

vendors for their marginality and mobilize violence against them for failing to meet the conditions placed on them by authority. These expectations that vendors become responsible neoliberal subjects further differentiates them when they in fact cannot reasonably meet the conditions placed on them in an era of social and economic insecurity. In particular, this differentiation masks the classism and racism of the colonial present under neoliberalism by framing the poverty of differentiated Others as questions of “mismanaged lives” and “failed entrepreneurs” thereby further delegitimizing them and their struggles<sup>49</sup>.

If street vendors are to wage a struggle against the characteristics of this new marginality, they must address the exclusion produced by neoliberal citizenship, the ownership model and urban renewal strategies. The production of a new marginality unfolds through the different concepts I have reviewed in this research. First, neoliberal citizenship is a condition of belonging granted by the state when the citizen participates in market-oriented activities successfully. If one fails to do this – through failing at formalization, by appropriating public space and making alternative claims to property – they lose the right to enjoy belonging and, substantively, become targets of state policy. Second, the ownership model of property encloses on the very substantive claims of street vendors as well as hard-won formal rights (i.e., the “Right to Work”, collective claims to property) in order to promote accumulation and social order. The result is public property that is no longer accessible to street vendors, and brutal public spaces where violence becomes normalized. Private property ownership drives both governing and accumulation strategies, which are irreducible to each other, and is an important component of both neoliberal citizenship and accumulation strategies such as urban renewal. It remains one the prime areas of

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<sup>49</sup> As one middle class limeño reminded me on numerous occasions, the poor were merely *resentidos sociales* – resentful towards society – because they could not manage to lift themselves out of poverty like others did.

struggle, alongside the struggle for public space (see Staeheli and Mitchell, 2008), in order to challenge the exclusionary outcomes of neoliberal capitalist orientations of property. Lastly, urban renewal projects in Lima have been instrumental in mobilizing both measures to deepen private property ownership and private property interests in public space and the roll-out of formalization policies. As municipalities attempt to attract capital to the city, regulating who appears in public spaces is done by considering the interests of property owners. These regulations in public space include those who appear as passive users connecting from one private property to another or consumers, and exclude street vendors and other “dangerous publics”. Urban renewal thus connects with neoliberal citizenship, which demands that only responsible citizens – as producers and consumers – participate in both the private property market and public space. Formalization strategies coupled with eviction policies appear as viable answers to the issue of successfully representing private interests in public spaces while removing the problem of street vendors. Neoliberal logics in street vending policies are what generates long-term solutions for urban renewal that, apparently, resolve the problem of street vending while generating prosperity and more private ownership.

I started this thesis with three different quotations: one from the *chicha* group *Los Shapis*, another from Hernando de Soto, and a third from Hunt in reference to informal street vending in Bogota, Colombia. These quotations fit in a chronological order of discourses on street vendors: first, street vendors as working class people, followed by their subjectification as entrepreneurs, and lastly, the erasure of marginality from an entrepreneurial subjectification of street vendors, and the affirmation of the neoliberal economic model through this erasure. They also demonstrate a major shift that is characteristic of informality and marginality under neoliberalism – the dismantling of a subjectivity of street vendors as a precarious working class



living day-to-day with the everyday threat of violence for one that assumes vendors individually responsible for their poverty and thus their prosperity. There are serious consequences of the last quotation:

Th[e] pedagogicalization of vendors' citizenship [through formalization] denies structural inequalities by framing them as questions of culture that can be eradicated through education, while contributing to the stability of current political and economic models... informality is a product of the formal market, and poverty is an inherent outcome of capitalism; these are thus structural problems that cannot be overcome by educating individuals or groups to surpass their cultural limitations. (Hunt, 2009, p. 347-8)

Neoliberal rationalities replace and mask the question of labour, social inequality and all other aspects of life with questions of performance in profit-generating activities – whether economic improvement or the improvement of oneself (Hamann, 2009). As Hunt (2009) warns us, this is the erasure of legitimate questions of unjust structures by framing them as questions of teaching vendors to be better market citizens – better performers in the market.

Erasing the identity of street vendors as proletariat – a working class produced by capitalist social relations – obscures the connection of the material and political conditions of street vendors to economic and political processes. Because street vendors' poverty is a structure of capitalism (Hunt, 2009), and survival strategies are the response of groups made “redundant” – and thus underemployed or unemployed – under capitalist social relations (Stepick, 1989), their economic conditions require them to engage in self-exploitation. The political mobilization of street vendors in the 1980s represented in part a consciousness-raising of the realities of street vendors' material and political condition, which has since been lost by formalization policies and entrepreneurial strategies. Neoliberal discourse has in part erased this identity, while deepening the marginality of a precarious working class (see Wacquant, 2008). Struggling for spaces of political representation and material spaces for social reproduction, while challenging

neoliberalism through substantive claims to space, property and society requires a repoliticization of street vendors.

By engaging with geographic theories on citizenship, property, and the struggle for public space, I suggest a few possibilities for engagement of street vendors in political action. I believe that geographic theory requires a reflection of the past subjectivity and subjection of street vendors as proletariats, and not neoliberal subjects, in order to renew the struggles for inclusion and the rejection of the marginality of this largely racialized, othered group. The current political landscape suggests that neoliberalism is being challenged by those experiencing marginality and inequality under it: in *los conos* and the interior of Perú. A renewal of the shared subjectivity of workers must be coupled with the possibility of other spaces and futures through the struggle for belonging. As Read (2009) notes, any challenge of neoliberalism requires the same promise of possibility and alternative that neoliberalism denies. New practices of citizenship and property through practiced-based claims, and a shaping of public spaces that are the sites of these alternative futures, are some ways that the new marginality produced by neoliberalism can be challenged.

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## **Legal Norms and Technical/Administrative Documents**

### **National**

Constitutional Court of the Republic of Perú 06762-2007-AA

Law 27972-2003 (*Organic Law of Municipalities*), Congress of the Republic of Perú

Ministerial Resolution 022-1991-TR

Supreme Decree 005-1991-TR  
Supreme Decree 043-2002-PCM

Peruvian National Police

Report 001-2008-VII-DIRTEPOL-L-DIVTER-1-JEFDIS-VES-UNINTE

Metropolitan Municipality of Lima

By-Law 002-1985-MML  
By-Law 141-1998-MML  
By-Law 867-2005-MML  
Decree 015-1998-MML  
Decree 060-2003-MML

District Municipality of Comas

Act of the Ordinary Session of Council, February 27, 2004, Municipalidad Distrital de Comas

By-Law 001-1996-C/MC  
By-Law 009-1997-C/MC  
By-Law 113-2004-C/MC  
By-Law 129-2004-C/MC  
By-Law 141-2004-C/MC  
By-Law 180-2006-C/MC  
By-Law 245-2007-M/MC  
Council Accord 023-1996-C/MC  
Council Accord 080-1996-C/MC  
Council Accord 049-1997-C/MC  
Council Accord 051-1997-C/MC  
Council Accord 052-1997-C/MC  
Council Accord 040-1998-C/MC  
Council Accord 041-1998-C/MC  
Council Accord 030-1999-C/MC  
Council Accord 020-2002-C/MC  
Council Accord 067-2005-C/MC  
Council Accord 028-2007-C/MC  
Interinstitutional Cooperation Agreement, 2007  
Memorandum 147-2007-GAJ/MC  
Memorandum 049-2007-GDE/MC  
Report 155-2004-S/G SCA-GDA/MC

District Municipality of Independencia

By-Law 009-1999-MDI  
By-Law 035-2002-MDI  
By-Law 082-2004-MDI  
Decree 004-2005-MDI  
Decree 005-2005-MDI  
Decree 006-2005-MDI

Decree 007-2005-MDI

District Municipality of San Juan de Lurigancho

By-Law 171-2009-MDSJL

District Municipality of San Martín de Porres

By-Law 038-1999-MDSMP

By-Law 032-2001-MDSMP

By-Law 042-2003-MDSMP

By-Law 049-2003-MDSMP

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